

In the House of Representatives, U. S.,

October 3, 1994.

Resolved, That the bill from the Senate (S. 1146) entitled “An Act to provide for the settlement of the water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County, Arizona, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the resolving clause and insert:

1 ***TITLE I—YAVAPAI-PRESCOTT IN-***
2 ***DIAN TRIBE WATER RIGHTS***
3 ***SETTLEMENT***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Yavapai-Prescott*
6 *Indian Tribe Water Rights Settlement Act of 1994”.*

7 ***SEC. 102. CONGRESSIONAL FINDINGS AND DECLARATIONS.***

8 *(a) FINDINGS.—The Congress finds that—*

9 *(1) it is the policy of the United States, in ful-*
10 *fillment of its trust responsibility to the Indian tribes,*
11 *to promote Indian self-determination and economic*
12 *self-sufficiency, and to settle, wherever possible, the*
13 *water rights claims of Indian tribes without lengthy*
14 *and costly litigation;*

1 (2) *meaningful Indian self-determination and*
2 *economic self-sufficiency depend on the development of*
3 *viable Indian reservation economies;*

4 (3) *quantification of rights to water and develop-*
5 *ment of facilities needed to utilize tribal water sup-*
6 *plies effectively is essential to the development of via-*
7 *ble Indian reservation economies, particularly in arid*
8 *western States;*

9 (4) *on June 7, 1935, and by actions subsequent*
10 *thereto, the United States established a reservation for*
11 *the Yavapai-Prescott Indian Tribe in Arizona adja-*
12 *cent to the city of Prescott;*

13 (5) *proceedings to determine the full extent of*
14 *Yavapai-Prescott Tribe's water rights are currently*
15 *pending before the Superior Court of the State of Ari-*
16 *zona in and for Maricopa County, as part of the gen-*
17 *eral adjudication of the Gila River system and source;*

18 (6) *recognizing that final resolution of the gen-*
19 *eral adjudication will take many years and entail*
20 *great expense to all parties, prolong uncertainty as to*
21 *the full extent of the Yavapai-Prescott Tribe's entitle-*
22 *ment to water and the availability of water supplies*
23 *to fulfill that entitlement, and impair orderly plan-*
24 *ning and development by the Tribe and the city of*
25 *Prescott; the Tribe, the city of Prescott, the Chino Val-*

1 *ley Irrigation District, the State of Arizona and the*
2 *United States have sought to settle all claims to water*
3 *between and among them;*

4 *(7) representatives of the Yavapai-Prescott Tribe,*
5 *the city of Prescott, the Chino Valley Irrigation Dis-*
6 *trict, the State of Arizona and the United States have*
7 *negotiated a Settlement Agreement to resolve all water*
8 *rights claims between and among them, and to pro-*
9 *vide the Tribe with long term, reliable water supplies*
10 *for the orderly development and maintenance of the*
11 *Tribe's reservation;*

12 *(8) pursuant to the Settlement Agreement and*
13 *the Water Service Agreement, the quantity of water*
14 *made available to the Yavapai-Prescott Tribe by the*
15 *city of Prescott and the Chino Valley Irrigation Dis-*
16 *trict will be secured, such Agreements will be contin-*
17 *ued in perpetuity, and the Tribe's continued on-res-*
18 *ervation use of water for municipal and industrial,*
19 *recreational and agricultural purposes will be pro-*
20 *vided for;*

21 *(9) to advance the goals of Federal Indian policy*
22 *and to fulfill the trust responsibility of the United*
23 *States to the Tribe, it is appropriate that the United*
24 *States participate in the implementation of the Set-*
25 *tlement Agreement and assist in firming up the long-*

1 *term water supplies of the city of Prescott and the*
2 *Yavapai-Prescott Tribe so as to enable the Tribe to*
3 *utilize fully its water entitlements in developing a di-*
4 *verse, efficient reservation economy; and*

5 *(10) the assignment of the CAP contract of the*
6 *Yavapai-Prescott Tribe and the CAP subcontract of*
7 *the city of Prescott is a cost-effective means to ensure*
8 *reliable, long-term water supplies for the Yavapai-*
9 *Prescott Tribe and to promote efficient, environ-*
10 *mentally sound use of available water supplies in the*
11 *Verde River basin.*

12 *(b) DECLARATION OF PURPOSES.—The Congress de-*
13 *clares that the purposes of this title are—*

14 *(1) to approve, ratify and confirm the Settlement*
15 *Agreement among the Yavapai-Prescott Tribe, the city*
16 *of Prescott, the Chino Valley Irrigation District, the*
17 *State of Arizona and the United States;*

18 *(2) to authorize and direct the Secretary of the*
19 *Interior to execute and perform the Settlement Agree-*
20 *ment;*

21 *(3) to authorize the actions and appropriations*
22 *necessary for the United States to fulfill its legal and*
23 *trust obligations to the Yavapai-Prescott Tribe as pro-*
24 *vided in the Settlement Agreement and this title;*

1 (4) to require that expenditures of funds obtained
2 through the assignment of CAP contract entitlements
3 by the Yavapai-Prescott Tribe and Prescott for the ac-
4 quisition or development of replacement water sup-
5 plies in the Verde River basin shall not be inconsis-
6 tent with the goals of the Prescott Active Management
7 Area, preservation of riparian habitat, flows and
8 biota of the Verde River and its tributaries; and

9 (5) to repeal section 406(k) of Public Law 101-
10 628 which authorizes \$30,000,000 in appropriations
11 for the acquisition of land and water resources in the
12 Verde River basin and for the development thereof as
13 an alternative source of water for the Fort McDowell
14 Indian Community.

15 **SEC. 103. DEFINITIONS.**

16 For purposes of this title:

17 (1) The term “CAP” means the Central Arizona
18 Project, a reclamation project authorized under title
19 III of the Colorado River Basin Project Act of 1968
20 (43 U.S.C. 1521 et seq.).

21 (2) The term “CAWCD” means the Central Ari-
22 zona Water Conservation District, organized under
23 the laws of the State of Arizona, which is the contrac-
24 tor under a contract with the United States, dated

1 *December 1, 1988, for the delivery of water and re-*
2 *payment of costs of the Central Arizona Project.*

3 (3) *The term “CVID” means the Chino Valley*
4 *Irrigation District, an irrigation district organized*
5 *under the laws of the State of Arizona.*

6 (4) *The term “Prescott AMA” means the Active*
7 *Management Area, established pursuant to Arizona*
8 *law and encompassing the Prescott ground water*
9 *basin, wherein the primary goal is to achieve balance*
10 *between annual ground water withdrawals and natu-*
11 *ral and artificial recharge by the year 2025.*

12 (5) *The term “Prescott” means the city of Pres-*
13 *cott, an Arizona municipal corporation.*

14 (6) *The term “Reservation” means the reserva-*
15 *tion established by the Act of June 7, 1935 (49 Stat.*
16 *332) and the Act of May 18, 1956 (70 Stat. 157) for*
17 *the Yavapai-Prescott Tribe of Indians.*

18 (7) *The term “Secretary” means the Secretary of*
19 *the United States Department of the Interior.*

20 (8) *The term “Settlement Agreement” means that*
21 *agreement entered into by the city of Prescott, the*
22 *Chino Valley Irrigation District, the Yavapai-Prescott*
23 *Indian Tribe, the State of Arizona, and the United*
24 *States, providing for the settlement of all water*
25 *claims between and among them.*

1 (9) The term “Tribe” means the Yavapai-Prescott Indian Tribe, a tribe of Yavapai Indians duly
 2 recognized by the Secretary.
 3

4 (10) The term “Water Service Agreement” means
 5 that agreement between the Yavapai-Prescott Indian
 6 Tribe and the city of Prescott, as approved by the
 7 Secretary, providing for water, sewer, and effluent
 8 service from the city of Prescott to the Yavapai-
 9 Prescott Tribe.

10 **SEC. 104. RATIFICATION OF SETTLEMENT AGREEMENT.**

11 (a) APPROVAL OF SETTLEMENT AGREEMENT.—To the
 12 extent the Settlement Agreement does not conflict with the
 13 provisions of this title, such Agreement is approved, ratified
 14 and confirmed. The Secretary shall execute and perform
 15 such Agreement, and shall execute any amendments to the
 16 Agreement and perform any action required by any amend-
 17 ments to the Agreement which may be mutually agreed
 18 upon by the parties.

19 (b) PERPETUITY.—The Settlement Agreement and
 20 Water Service Agreement shall include provisions which
 21 will ensure that the benefits to the Tribe thereunder shall
 22 be secure in perpetuity. Notwithstanding the provisions of
 23 section 2103 of the Revised Statutes of the United States
 24 (25 U.S.C. 81) relating to the term of the Agreement, the

1 *Secretary is authorized and directed to approve the Water*
 2 *Service Agreement with a perpetual term.*

3 ***SEC. 105. ASSIGNMENT OF CAP WATER.***

4 *The Secretary is authorized and directed to arrange*
 5 *for the assignment of, or to purchase, the CAP contract of*
 6 *the Tribe and the CAP subcontract of the city of Prescott*
 7 *to provide funds for deposit into the Verde River Basin*
 8 *Water Fund established pursuant to section 106.*

9 ***SEC. 106. REPLACEMENT WATER FUND; CONTRACTS.***

10 *(a) FUND.—The Secretary shall establish a fund to be*
 11 *known as the “Verde River Basin Water Fund” (hereinafter*
 12 *called the “Fund”) to provide replacement water for the*
 13 *CAP water relinquished by the Tribe and by Prescott. Mon-*
 14 *neys in the Fund shall be available without fiscal year limi-*
 15 *tations.*

16 *(b) CONTENT OF FUND.—The Fund shall consist of*
 17 *moneys obtained through the assignment or purchase of the*
 18 *contract and subcontract referenced in section 105, appro-*
 19 *priations as authorized in section 109, and any moneys re-*
 20 *turned to the Fund pursuant to subsection (d) of this sec-*
 21 *tion.*

22 *(c) PAYMENTS FROM FUND.—The Secretary shall, sub-*
 23 *sequent to the publication of a statement of findings as pro-*
 24 *vided in section 112(a), promptly cause to be paid from*
 25 *the Fund to the Tribe the amounts deposited to the Fund*

1 *from the assignment or purchase of the Tribe's CAP con-*
 2 *tract, and, to the city of Prescott, the amounts deposited*
 3 *to the Fund from the assignment or purchase of the city's*
 4 *CAP subcontract.*

5 *(d) CONTRACTS.—The Secretary shall require, as a*
 6 *condition precedent to the payment of any moneys pursuant*
 7 *to subsection (c), that the Tribe and Prescott agree, by con-*
 8 *tract with the Secretary, to establish trust accounts into*
 9 *which the payments would be deposited and administered,*
 10 *to use such moneys consistent with the purpose and intent*
 11 *of section 107, to provide for audits of such accounts, and*
 12 *for the repayment to the Fund, with interest, any amount*
 13 *determined by the Secretary not to have been used within*
 14 *the purpose and intent of section 107.*

15 **SEC. 107. EXPENDITURES OF FUNDS.**

16 *(a) BY THE CITY.—All moneys paid to Prescott for*
 17 *relinquishing its CAP subcontract and deposited into a*
 18 *trust account pursuant to section 106(d), shall be used for*
 19 *the purposes of defraying expenses associated with the inves-*
 20 *tigation, acquisition or development of alternative sources*
 21 *of water to replace the CAP water relinquished under this*
 22 *title. Alternative sources shall be understood to include, but*
 23 *not be limited to, retirement of agricultural land and acqui-*
 24 *sition of associated water rights, development of ground*
 25 *water resources outside the Prescott Active Management*

1 *Area established pursuant to the laws of the State of Ari-*
2 *zona, and artificial recharge; except that none of the moneys*
3 *paid to Prescott may be used for construction or renovation*
4 *of the city's existing waterworks or water delivery system.*

5 *(b) BY THE TRIBE.—All funds paid to the Tribe for*
6 *relinquishing its CAP contract and deposited into a trust*
7 *account pursuant to section 106(d), shall be used to defray*
8 *its water service costs under the Water Service Agreement*
9 *or to develop and maintain facilities for on-reservation*
10 *water or effluent use.*

11 *(c) NO PER CAPITA PAYMENTS.—No amount of the*
12 *Tribe's portion of the Fund may be used to make per capita*
13 *payments to any member of the Tribe, nor may any amount*
14 *of any payment made pursuant to section 106(c) be distrib-*
15 *uted as a dividend or per capita payment to any constitu-*
16 *ent, member, shareholder, director or employee of Prescott.*

17 *(d) DISCLAIMER.—Effective with the payment of funds*
18 *pursuant to section 106(c), the United States shall not be*
19 *liable for any claim or cause of action arising from the use*
20 *of such funds by the Tribe or by Prescott.*

21 **SEC. 108. ENVIRONMENTAL COMPLIANCE.**

22 *The Secretary, the Tribe and Prescott shall comply*
23 *with all applicable Federal environmental and State envi-*
24 *ronmental and water laws in developing alternative water*
25 *sources pursuant to section 107(a). Development of such al-*

1 *ternative water sources shall not be inconsistent with the*
 2 *goals of the Prescott Active Management Area, preservation*
 3 *of the riparian habitat, flows and biota of the Verde River*
 4 *and its tributaries.*

5 **SEC. 109. APPROPRIATIONS AUTHORIZATION AND REPEAL.**

6 (a) *AUTHORIZATION.*—*There are authorized to be ap-*
 7 *propriated to the Fund established pursuant to section*
 8 *106(a):*

9 (1) *Such sums as may be necessary, but not to*
 10 *exceed \$200,000, to the Secretary for the Tribe's costs*
 11 *associated with judicial confirmation of the settle-*
 12 *ment.*

13 (2) *Such sums as may be necessary to establish,*
 14 *maintain and operate the gauging station required*
 15 *under section 111(e).*

16 (b) *STATE CONTRIBUTION.*—*The State of Arizona shall*
 17 *contribute \$200,000 to the trust account established by the*
 18 *Tribe pursuant to the Settlement Agreement and section*
 19 *106(d) for uses consistent with section 107(b).*

20 (c) *REPEAL.*—*Subsection 406(k) of the Act of Novem-*
 21 *ber 28, 1990 (Public Law 101-628; 104 Stat. 4487) is*
 22 *repealed.*

23 **SEC. 110. SATISFACTION OF CLAIMS.**

24 (a) *WAIVER.*—*The benefits realized by the Tribe or any*
 25 *of its members under the Settlement Agreement and this*

1 *title shall constitute full and complete satisfaction of all*
2 *claims by the Tribe and all members' claims for water*
3 *rights or injuries to water rights under Federal and State*
4 *laws (including claims for water rights in ground water,*
5 *surface water and effluent) from time immemorial to the*
6 *effective date of this title, and for any and all future claims*
7 *of water rights (including claims for water rights in ground*
8 *water, surface water, and effluent) from and after the effec-*
9 *tive date of this title. Nothing in this title shall be deemed*
10 *to recognize or establish any right of a member of the Tribe*
11 *to water on the Tribe's reservation.*

12 (b) *WAIVER AND RELEASE.—The Tribe, on behalf of*
13 *itself and its members, and the Secretary on behalf of the*
14 *United States, are authorized and required, as a condition*
15 *to the implementation of this title, to execute a waiver and*
16 *release, except as provided in subsection (d) and the Settle-*
17 *ment Agreement, of all claims of water rights or injuries*
18 *to water rights (including water rights in ground water,*
19 *surface water and effluent), from and after the effective date*
20 *of this title, which the Tribe and its members may have,*
21 *against the United States, the State of Arizona or any agen-*
22 *cy or political subdivision thereof, or any other person, cor-*
23 *poration, or municipal corporation, arising under the laws*
24 *of the United States or the State of Arizona.*

1 (c) *WAIVER BY UNITED STATES.*—Except as provided
2 in subsection (d) and the Settlement Agreement, the United
3 States, in its own right or on behalf of the Tribe, shall not
4 assert any claim against the State of Arizona or any politi-
5 cal subdivision thereof, or against any other person, cor-
6 poration, or municipal corporation, arising under the laws
7 of the United States or the State of Arizona based upon
8 water rights or injuries to water rights of the Tribe and
9 its members or based upon water rights or injuries to water
10 rights held by the United States on behalf of the Tribe and
11 its members.

12 (d) *RIGHTS RETAINED.*—In the event the waivers of
13 claims authorized in subsection (b) of this section do not
14 become effective pursuant to section 112(a), the Tribe, and
15 the United States on behalf of the Tribe, shall retain the
16 right to assert past and future water rights claims as to
17 all reservation lands.

18 (e) *JURISDICTION.*—The United States District Court
19 for the District of Arizona shall have original jurisdiction
20 of all actions arising under this title, the Settlement Agree-
21 ment and the Water Service Agreement, including review
22 pursuant to title 9, United States Code, of any arbitration
23 and award under the Water Service Agreement.

24 (f) *CLAIMS.*—Nothing in this title shall be deemed to
25 prohibit the Tribe, or the United States on behalf of the

1 *Tribe, from asserting or maintaining any claims for the*
 2 *breach or enforcement of the Settlement Agreement or the*
 3 *Water Service Agreement.*

4 *(g) DISCLAIMER.—Nothing in this title shall affect the*
 5 *water rights or claims related to any trust allotment located*
 6 *outside the exterior boundaries of the reservation of any*
 7 *member of the Tribe.*

8 *(h) FULL SATISFACTION OF CLAIMS.—Payments made*
 9 *to Prescott under this title shall be in full satisfaction for*
 10 *any claim that Prescott might have against the Secretary*
 11 *or the United States related to the allocation, reallocation,*
 12 *relinquishment or delivery of CAP water.*

13 ***SEC. 111. MISCELLANEOUS PROVISIONS.***

14 *(a) JOINING OF PARTIES.—In the event any party to*
 15 *the Settlement Agreement should file a lawsuit in any Unit-*
 16 *ed States district court relating only and directly to the*
 17 *interpretation or enforcement of the Settlement Agreement*
 18 *or this title, naming the United States of America or the*
 19 *Tribe as parties, authorization is hereby granted to join the*
 20 *United States of America or the Tribe, or both, in any such*
 21 *litigation, and any claim by the United States of America*
 22 *or the Tribe to sovereign immunity from such suit is hereby*
 23 *waived. In the event Prescott submits a dispute under the*
 24 *Water Service Agreement to arbitration or seeks review by*
 25 *the United States District Court for the District of Arizona*

1 *of an arbitration award under the Water Service Agree-*
2 *ment, any claim by the Tribe to sovereign immunity from*
3 *such arbitration or review is hereby waived.*

4 (b) *NO REIMBURSEMENT.—The United States of*
5 *America shall make no claims for reimbursement of costs*
6 *arising out of the implementation of the Settlement Agree-*
7 *ment or this title against any lands within the Yavapai-*
8 *Prescott Indian Reservation, and no assessment shall be*
9 *made with regard to such costs against such lands.*

10 (c) *WATER MANAGEMENT.—The Tribe shall establish*
11 *a ground water management plan for the Reservation*
12 *which, except to be consistent with the Water Service Agree-*
13 *ment, the Settlement Agreement and this title, will be com-*
14 *patible with the ground water management plan in effect*
15 *for the Prescott Active Management Area and will include*
16 *an annual information exchange with the Arizona Depart-*
17 *ment of Water Resources. In establishing a ground water*
18 *management plan pursuant to this section, the Tribe may*
19 *enter into a Memorandum of Understanding with the Ari-*
20 *zona Department of Water Resources for consultation. Not-*
21 *withstanding any other law, the Tribe may establish a trib-*
22 *al water code, consistent with the above-described water*
23 *management plan, under which the Tribe will manage, reg-*
24 *ulate, and control the water resources granted it in the Set-*
25 *tlement Act, the Settlement Agreement, and the Water Serv-*

1 *ice Agreement, except that such management, regulation*
 2 *and control shall not authorize any action inconsistent with*
 3 *the trust ownership of the Tribe's water resources.*

4 (d) *GAUGING STATION.—The Secretary, acting*
 5 *through the Geological Survey, shall establish, maintain*
 6 *and operate a gauging station at the State Highway 89*
 7 *bridge across Granite Creek adjacent to the reservation to*
 8 *assist the Tribe and the CVID in allocating the surface flows*
 9 *from Granite Creek as provided in the Settlement Agree-*
 10 *ment.*

11 **SEC. 112. EFFECTIVE DATE.**

12 (a) *WAIVERS AND RELEASES.—The waivers and re-*
 13 *leases required by section 110(b) of this title shall become*
 14 *effective as of the date the Secretary causes to be published*
 15 *in the Federal Register a statement of findings that—*

16 (1)(A) *the Secretary has determined that an ac-*
 17 *ceptable party, or parties, have executed contracts for*
 18 *the assignments of the Tribe's CAP contract and the*
 19 *city of Prescott's CAP subcontract, and the proceeds*
 20 *from the assignments have been deposited into the*
 21 *Fund as provided in section 106(d); or,*

22 (B) *the Secretary has executed contracts for the*
 23 *acquisition of the Tribe's CAP contract and the city*
 24 *of Prescott's CAP subcontract as provided in section*
 25 *106(d);*

1 (2) the stipulation which is attached to the Set-
2 tlement Agreement as exhibit 9.5, has been approved
3 in substantially the form of such exhibit no later than
4 December 31, 1995;

5 (3) the Settlement Agreement has been modified
6 to the extent it is in conflict with this title and has
7 been executed by the Secretary; and

8 (4) the State of Arizona has appropriated and
9 deposited into the Tribe's trust account \$200,000 as
10 required by the Settlement Agreement.

11 (b) *DEADLINE.*—If the actions described in paragraphs
12 (1), (2), (3), and (4) of subsection (a) have not occurred
13 by December 31, 1995, any contract between Prescott and
14 the United States entered into pursuant to section 106(d)
15 shall not thereafter be effective, and any funds appropriated
16 by the State of Arizona pursuant to the Settlement Agree-
17 ment shall be returned by the Tribe to the State of Arizona.

18 **SEC. 113. OTHER CLAIMS.**

19 (a) *OTHER TRIBES.*—Nothing in the Settlement Agree-
20 ment or this title shall be construed in any way to quantify
21 or otherwise adversely affect the land and water rights,
22 claims or entitlements to water of any Arizona Indian tribe,
23 band or community, other than the Tribe.

24 (b) *FEDERAL AGENCIES.*—Nothing in this title shall
25 be construed to affect the water rights or the water rights

1 *claims of any Federal agency, other than the Bureau of*
 2 *Indian Affairs on behalf of the Tribe.*

3 ***TITLE II—AUBURN INDIAN***
 4 ***RESTORATION***

5 ***SEC. 201. SHORT TITLE.***

6 *This title may be cited as the “Auburn Indian Restora-*
 7 *tion Act”.*

8 ***SEC. 202. RESTORATION OF FEDERAL RECOGNITION,***
 9 ***RIGHTS, AND PRIVILEGES.***

10 *(a) FEDERAL RECOGNITION.—Notwithstanding any*
 11 *other provision of law, Federal recognition is hereby ex-*
 12 *tended to the Tribe. Except as otherwise provided in this*
 13 *title, all laws and regulations of general application to In-*
 14 *dians or nations, tribes, or bands of Indians that are not*
 15 *inconsistent with any specific provision of this title shall*
 16 *be applicable to the Tribe and its members.*

17 *(b) RESTORATION OF RIGHTS AND PRIVILEGES.—Ex-*
 18 *cept as provided in subsection (d), all rights and privileges*
 19 *of the Tribe and its members under any Federal treaty, Ex-*
 20 *ecutive order, agreement, or statute, or under any other au-*
 21 *thority which were diminished or lost under the Act of Au-*
 22 *gust 18, 1958 (Public Law 85–671), are hereby restored and*
 23 *the provisions of such Act shall be inapplicable to the Tribe*
 24 *and its members after the date of enactment of this title.*

1 (c) *FEDERAL SERVICES AND BENEFITS.*—Notwith-
 2 standing any other provision of law and without regard
 3 to the existence of a reservation, the Tribe and its members
 4 shall be eligible, on and after the date of enactment of this
 5 title, for all Federal services and benefits furnished to feder-
 6 ally recognized Indian tribes or their members. In the case
 7 of Federal services available to members of federally recog-
 8 nized Indian tribes residing on a reservation, members of
 9 the Tribe residing in the Tribe's service area shall be deemed
 10 to be residing on a reservation.

11 (d) *HUNTING, FISHING, TRAPPING, AND WATER*
 12 *RIGHTS.*—Nothing in this title shall expand, reduce, or af-
 13 fect in any manner any hunting, fishing, trapping, gather-
 14 ing, or water right of the Tribe and its members.

15 (e) *INDIAN REORGANIZATION ACT APPLICABILITY.*—
 16 The Act of June 18, 1934 (25 U.S.C. 461 et seq.), shall be
 17 applicable to the Tribe and its members.

18 (f) *CERTAIN RIGHTS NOT ALTERED.*—Except as spe-
 19 cifically provided in this title, nothing in this title shall
 20 alter any property right or obligation, any contractual
 21 right or obligation, or any obligation for taxes levied.

22 **SEC. 203. ECONOMIC DEVELOPMENT.**

23 (a) *PLAN FOR ECONOMIC DEVELOPMENT.*—The Sec-
 24 retary shall—

1 (1) *enter into negotiations with the governing*
2 *body of the Tribe with respect to establishing a plan*
3 *for economic development for the Tribe;*

4 (2) *in accordance with this section and not later*
5 *than 2 years after the adoption of a tribal constitu-*
6 *tion as provided in section 107, develop such a plan;*
7 *and*

8 (3) *upon the approval of such plan by the gov-*
9 *erning body of the Tribe, submit such plan to the*
10 *Congress.*

11 (b) *RESTRICTIONS.*—*Any proposed transfer of real*
12 *property contained in the plan developed by the Secretary*
13 *under subsection (a) shall be consistent with the require-*
14 *ments of section 104.*

15 **SEC. 204. TRANSFER OF LAND TO BE HELD IN TRUST.**

16 (a) *LANDS TO BE TAKEN IN TRUST.*—*The Secretary*
17 *shall accept any real property located in Placer County,*
18 *California, for the benefit of the Tribe if conveyed or other-*
19 *wise transferred to the Secretary if, at the time of such con-*
20 *veyance or transfer, there are no adverse legal claims on*
21 *such property, including outstanding liens, mortgages, or*
22 *taxes owed. The Secretary may accept any additional acre-*
23 *age in the Tribe's service area pursuant to the authority*
24 *of the Secretary under the Act of June 18, 1934 (25 U.S.C.*
25 *461 et seq.).*

1 (b) *FORMER TRUST LANDS OF THE AUBURN*
 2 *RANCHERIA.*—Subject to the conditions specified in this sec-
 3 tion, real property eligible for trust status under this section
 4 shall include fee land held by the White Oak Ridge Associa-
 5 tion, Indian owned fee land held communally pursuant to
 6 the distribution plan prepared and approved by the Bureau
 7 of Indian Affairs on August 13, 1959, and Indian owned
 8 fee land held by persons listed as distributees or dependent
 9 members in such distribution plan or such distributees' or
 10 dependent members' Indian heirs or successors in interest.

11 (c) *LANDS TO BE PART OF THE RESERVATION.*—Sub-
 12 ject to the conditions imposed by this section, any real prop-
 13 erty conveyed or transferred under this section shall be
 14 taken in the name of the United States in trust for the Tribe
 15 or, as applicable, an individual member of the Tribe, and
 16 shall be part of the Tribe's reservation.

17 **SEC. 205. MEMBERSHIP ROLLS.**

18 (a) *COMPILATION OF TRIBAL MEMBERSHIP ROLL.*—
 19 Within 1 year after the date of the enactment of this title,
 20 the Secretary shall, after consultation with the Tribe, com-
 21 pile a membership roll of the Tribe.

22 (b) *CRITERIA FOR ENROLLMENTS.*—(1) Until a tribal
 23 constitution is adopted pursuant to section 207, an individ-
 24 ual shall be placed on the membership roll if the individual
 25 is living, is not an enrolled member of another federally

1 *recognized Indian tribe, is of United Auburn Indian Com-*
2 *munity ancestry, possesses at least one-eighth or more of*
3 *Indian blood quantum, and if—*

4 *(A) the individual's name was listed on the Au-*
5 *burn Indian Rancheria distribution roll compiled*
6 *and approved by the Bureau of Indian Affairs on Au-*
7 *gust 13, 1959, pursuant to Public Law 85–671;*

8 *(B) the individual was not listed on, but met the*
9 *requirements that had to be met to be listed on, the*
10 *Auburn Indian Rancheria distribution list compiled*
11 *and approved by the Bureau of Indian Affairs on Au-*
12 *gust 13, 1959, pursuant to Public Law 85–671; or*

13 *(C) the individual is a lineal descendant of an*
14 *individual, living or dead, identified in subparagraph*
15 *(A) or (B).*

16 *(2) After adoption of a tribal constitution pursuant*
17 *to section 207, such tribal constitution shall govern member-*
18 *ship in the Tribe, except that in addition to meeting any*
19 *other criteria imposed in such tribal constitution, any per-*
20 *son added to the membership roll shall be of United Auburn*
21 *Indian Community ancestry and shall not be an enrolled*
22 *member of another federally recognized Indian tribe.*

23 *(c) CONCLUSIVE PROOF OF UNITED AUBURN INDIAN*
24 *COMMUNITY ANCESTRY.—For the purpose of subsection (b),*
25 *the Secretary shall accept any available evidence establish-*

1 *ing United Auburn Indian Community ancestry. The Sec-*
 2 *retary shall accept as conclusive evidence of United Auburn*
 3 *Indian Community ancestry information contained in the*
 4 *Auburn Indian Rancheria distribution list compiled by the*
 5 *Bureau of Indian Affairs on August 13, 1959.*

6 **SEC. 206. INTERIM GOVERNMENT.**

7 *Until a new tribal constitution and bylaws are adopt-*
 8 *ed and become effective under section 207, the Tribe's gov-*
 9 *erning body shall be an Interim Council. The initial mem-*
 10 *bership of the Interim Council shall consist of the members*
 11 *of the Executive Council of the Tribe on the date of the en-*
 12 *actment of this title, and the Interim Council shall continue*
 13 *to operate in the manner prescribed for the Executive Coun-*
 14 *cil under the tribal constitution adopted July 20, 1991, as*
 15 *long as such constitution is not contrary to Federal law.*
 16 *Any new members filling vacancies on the Interim council*
 17 *shall meet the enrollment criteria set forth in section 205(b)*
 18 *and be elected in the same manner as are Executive Council*
 19 *members under the tribal constitution adopted July 20,*
 20 *1991.*

21 **SEC. 207. TRIBAL CONSTITUTION.**

22 *(a) ELECTION; TIME AND PROCEDURE.—Upon the*
 23 *completion of the tribal membership roll under section*
 24 *205(a) and upon the written request of the Interim Council,*
 25 *the Secretary shall conduct, by secret ballot, an election for*

1 *the purpose of adopting a constitution and bylaws for the*
 2 *Tribe. The election shall be held according to section 16 of*
 3 *the Act of June 18, 1934 (25 U.S.C. 476), except that absen-*
 4 *tee balloting shall be permitted regardless of voter residence.*

5 *(b) ELECTION OF TRIBAL OFFICIALS; PROCEDURES.—*
 6 *Not later than 120 days after the Tribe adopts a constitu-*
 7 *tion and bylaws under subsection (a), the Secretary shall*
 8 *conduct an election by secret ballot for the purpose of elect-*
 9 *ing tribal officials as provided in such tribal constitution.*
 10 *Such election shall be conducted according to the procedures*
 11 *specified in subsection (a) except to the extent that such pro-*
 12 *cedures conflict with the tribal constitution.*

13 **SEC. 208. DEFINITIONS.**

14 *For purposes of this title:*

15 *(1) The term “Tribe” means the United Auburn*
 16 *Indian Community of the Auburn Rancheria of Cali-*
 17 *fornia.*

18 *(2) The term “Secretary” means the Secretary of*
 19 *the Interior.*

20 *(3) The term “Interim Council” means the gov-*
 21 *erning body of the Tribe specified in section 206.*

22 *(4) The term “member” means those persons*
 23 *meeting the enrollment criteria under section 205(b).*

24 *(5) The term “State” means the State of Califor-*
 25 *nia.*

1 (6) The term “reservation” means those lands ac-
 2 quired and held in trust by the Secretary for the bene-
 3 fit of the Tribe pursuant to section 204.

4 (7) The term “service area” means the counties
 5 of Placer, Nevada, Yuba, Sutter, El Dorado, and Sac-
 6 ramento, in the State of California.

7 **SEC. 209. REGULATIONS.**

8 The Secretary may promulgate such regulations as
 9 may be necessary to carry out the provisions of this title.

10 **TITLE III—CENTRAL UTAH**
 11 **PROJECT**

12 **SEC. 301. APPLICATION OF THE WARREN ACT.**

13 (a) *AUTHORITY.*—The Secretary of the Interior may—

14 (1) enter into contracts with private entities
 15 pursuant to the Act of February 21, 1911 (commonly
 16 known as the “Warren Act”) (36 Stat. 925 et seq.,
 17 chapter 141; 43 U.S.C. 523 et seq.), for the impound-
 18 ing, storage, and carriage of nonproject water for do-
 19 mestic, municipal, fish and wildlife, industrial, and
 20 other beneficial purposes, using any facilities associ-
 21 ated with the Central Utah Project, Utah; and

22 (2) enter into agreements, under terms and con-
 23 ditions authorized for contracts under such Act, with
 24 appropriate officials of other Federal agencies, mu-
 25 nicipalities, public water districts and agencies, and

1 *States for impounding, storage, and carriage of*
 2 *nonproject water for purposes described in paragraph*
 3 *(1) using facilities referred to in such paragraph.*

4 *(b) NONPROJECT WATER DEFINED.—In subsection*
 5 *(a), the term “nonproject water” means water that is not*
 6 *from a Federal Reclamation project.*

7 **SEC. 302. UTAH RECLAMATION MITIGATION AND CON-**
 8 **SERVATION COMMISSION.**

9 *Section 301(d) of Public Law 102–575 (106 Stat.*
 10 *4626) is amended by adding the following new paragraph*
 11 *at the end:*

12 *“(8) Any employee of the District or member of the*
 13 *Board of Directors of the District may serve as a member*
 14 *of the Commission.”.*

15 **TITLE IV—MOUNTAIN PARK**
 16 **PROJECT**

17 **SEC. 401. SHORT TITLE.**

18 *This title may be cited as the “Mountain Park Project*
 19 *Act of 1994”.*

20 **SEC. 402. MODIFICATION OF MOUNTAIN PARK PROJECT.**

21 *(a) IN GENERAL.—The first section of the Act entitled*
 22 *“An Act to authorize the Secretary of the Interior to con-*
 23 *struct, operate, and maintain the Mountain Park reclama-*
 24 *tion project, Oklahoma, and for other purposes” (Public*
 25 *Law 90–503; 82 Stat. 853) is amended by striking out “and*

1 *controlling floods.” and inserting in lieu thereof “control-*
 2 *ling floods, and environmental quality activities. As used*
 3 *in this Act, the term ‘environmental quality activity’ means*
 4 *any activity that primarily benefits the quality of natural*
 5 *environmental resources.”.*

6 *(b) REALLOCATION OF PROJECT COSTS.—Such Act is*
 7 *further amended by adding at the end the following new*
 8 *section:*

9 *“SEC. 7. (a)(1) Not later than 180 days after the date*
 10 *of enactment of the Mountain Park Project Act of 1994, the*
 11 *Secretary of the Interior (referred to in this section as the*
 12 *‘Secretary’) shall—*

13 *“(A) conduct appropriate investigations to deter-*
 14 *mine environmental quality activities that could be*
 15 *carried out for the Mountain Park project; and*

16 *“(B) on the basis of the determination made*
 17 *under subparagraph (A), make an appropriate*
 18 *reallocation of the costs of the project under sections*
 19 *2 and 3 (referred to in this section as ‘project costs’)*
 20 *to accommodate the environmental quality activities*
 21 *that the Secretary authorizes pursuant to this sub-*
 22 *section.*

23 *“(2) In conducting investigations under this sub-*
 24 *section, the Secretary shall examine the benefits to natural*
 25 *environmental resources achievable from an environmental*

1 *quality activity that requires reallocating water or using*
2 *facilities or land of the Mountain Park project, including*
3 *any of the following activities:*

4 “(A) *Developing in-stream flows.*

5 “(B) *Developing wetland habitat.*

6 “(C) *Any other environmental quality activity*
7 *that the Secretary determines to be appropriate to*
8 *benefit the overall quality of the environment.*

9 “(b)(1) *Upon completion of the investigations under*
10 *subsection (a)(2), the Secretary shall carry out the follow-*
11 *ing:*

12 “(A) *The preparation of a proposed reallocation*
13 *of project costs in conformance with subsection*
14 *(a)(1)(B).*

15 “(B) *Negotiations with the Mountain Park Mas-*
16 *ter Conservancy District (referred to in this section as*
17 *the ‘District’) to amend the contract executed by the*
18 *District pursuant to this Act to adjust the obligation*
19 *of the District to repay project costs, as described in*
20 *section 2, to reflect the reallocation of*
21 *nonreimbursable project costs.*

22 “(2) *For the purposes of paragraph (1), project costs*
23 *associated with an environmental quality activity specified*
24 *by the Secretary pursuant to subsection (a)(2) shall be*
25 *nonreimbursable project costs.*

1 “(c)(1) Notwithstanding any other provision of this
2 Act, the Secretary is authorized to accept prepayment of
3 the repayment obligation of the District for the reimburs-
4 able construction costs of the project allocated to municipal
5 and industrial water supply for the city of Altus, Okla-
6 homa, the city of Frederick, Oklahoma, or the city of Sny-
7 der, Oklahoma (or any combination thereof), and, upon re-
8 ceipt of such prepayment, the District’s obligation to the
9 United States shall be reduced by the amount of such costs,
10 and any security held therefor, shall be released by the Sec-
11 retary.

12 “(2) Any prepayment made pursuant to subsection
13 (c)(1) shall realize to the United States an amount cal-
14 culated by discounting the remaining repayment obligation
15 by the interest rate determined in accordance with sub-
16 section (d).

17 “(d)(1) The Secretary of the Treasury shall determine
18 the interest rate in accordance with the guidelines set forth
19 in Circular A-129 issued by the Office of Management and
20 Budget and the Department of Treasury Financial Manual.
21 In determining the interest rate, the Secretary shall con-
22 sider the price of the District’s obligation if it were to be
23 sold on the open market to a third party.

24 “(2) If the District uses tax-exempt financing to fi-
25 nance a prepayment under subsection (c)(1), then the inter-

1 *est rate by which the Secretary discounts the remaining*
 2 *payments due on the District's obligation shall be adjusted*
 3 *by an amount that compensates the United States for the*
 4 *direct or indirect loss of future tax revenues.*

5 *“(e) Notwithstanding any payment made by the Dis-*
 6 *trict pursuant to this section or pursuant to any contract*
 7 *with the Secretary, title to the project facilities shall remain*
 8 *with the United States.”.*

9 *(c) REPEAL.—Section 3101 of the Reclamation*
 10 *Projects Authorization and Adjustment Act of 1992 (Public*
 11 *Law 102–575; 106 Stat. 4698) is repealed.*

12 ***TITLE V—SAN ANGELO FEDERAL***
 13 ***RECLAMATION PROJECT***

14 ***SEC. 501. INCREASE IN IRRIGABLE ACREAGE.***

15 *(a) IN GENERAL.—The first section of the Act entitled*
 16 *“An Act to provide for the construction by the Secretary*
 17 *of the Interior of the San Angelo Federal reclamation*
 18 *project, Texas, and for other purposes”, approved August*
 19 *16, 1957 (71 Stat. 372), is amended by striking “ten thou-*
 20 *sand acres” and inserting “fifteen thousand acres”.*

21 *(b) AMENDMENT TO CONTRACT.—The Secretary of the*
 22 *Interior is authorized to amend contract numbered 14–06–*
 23 *500–369 to reflect the amendment made by subsection (a),*
 24 *except that such amendment shall not be construed to re-*
 25 *quire a change in the proportionate amount of all remain-*

1 *ing payments due and payable to the United States by Tom*
 2 *Green County Water Control Improvement District No. 1.*

3 ***TITLE VI—SHOSHONE FEDERAL***
 4 ***RECLAMATION PROJECT***

5 ***SEC. 601. CONVEYANCE TO THE BIG HORN COUNTY SCHOOL***
 6 ***DISTRICT.***

7 *The Secretary of the Interior shall convey, by quit*
 8 *claim deed, to the Big Horn County School District, Wyo-*
 9 *ming, all right, title, and interest of the United States in*
 10 *and to the following described lands in Big Horn County,*
 11 *Wyoming: Lot 18 of Block 22, Lots 1–6 of Block 25, all*
 12 *of Block 21, and all within the town of Frannie, Wyoming,*
 13 *in the S¹/₂NW¹/₄NW¹/₄ and N¹/₂SW¹/₄NW¹/₄ of T. 58N., R.*
 14 *97 W., Big Horn County.*

15 ***TITLE VII—LAKE POWELL***

16 ***SEC. 701. ELIMINATION OF 24-HOUR RESTRICTION.***

17 *The second sentence of section 104(c) of the Reclama-*
 18 *tion Development Act of 1974 (Public Law 93–493; 88 Stat.*
 19 *1488) is amended by striking “or three million gallons of*
 20 *water in any twenty-four-hour period.”.*

21 ***TITLE VIII—MNI WICONI RURAL***
 22 ***WATER SUPPLY PROJECT***

23 ***SEC. 801. SHORT TITLE.***

24 *This title may be cited as the “Mni Wiconi Act Amend-*
 25 *ments of 1994”.*

1 **SEC. 802. REFERENCE.**

2 *Whenever in this title a section or other provision is*
 3 *amended or repealed, such amendment or repeal shall be*
 4 *considered to be made to that section or other provision of*
 5 *the Mni Wiconi Project Act of 1988 (102 Stat. 2566).*

6 **SEC. 803. FINDINGS AND PURPOSES.**

7 *(a) FINDINGS.—Subsection (a) of section 2 (102 Stat.*
 8 *2566) is amended—*

9 *(1) in paragraph (1), by striking “Reservation”*
 10 *and inserting “Reservation, Rosebud Indian Reserva-*
 11 *tion, and Lower Brule Indian Reservation”;*

12 *(2) by redesignating paragraphs (3), (4), and (5)*
 13 *as paragraphs (4), (5), and (6), respectively, and by*
 14 *inserting after paragraph (2) the following new para-*
 15 *graph:*

16 *“(3) the lack of water supplies on the Rosebud*
 17 *Reservation and Lower Brule Reservation restrict ef-*
 18 *forts to promote economic development on those res-*
 19 *ervations;”;*

20 *(3) in paragraph (5), as redesignated by para-*
 21 *graph (2) of this subsection, by striking “Reserva-*
 22 *tion;” and inserting “Reservation, Rosebud Indian*
 23 *Reservation, and Lower Brule Indian Reservation;”;*
 24 *and*

25 *(4) in paragraph (6), as redesignated by para-*
 26 *graph (2) of this subsection, by inserting “Rosebud*

1 *Indian Reservation and Lower Brule Indian Reserva-*
 2 *tion,” after “Reservation,”.*

3 (b) *PURPOSE.*—Subsection (b) of section 2 (102 Stat.
 4 2566) is amended by inserting “, Rosebud Indian Reserva-
 5 tion, and Lower Brule Indian Reservation” after “Reserva-
 6 tion” each place it appears.

7 **SEC. 804. OGLALA SIOUX RURAL WATER SUPPLY SYSTEM.**

8 (a) *AUTHORIZATION.*—Subsection (a) of section 3 (102
 9 Stat. 2567) is amended—

10 (1) *in the matter preceding paragraph (1), by*
 11 *striking “1988.” and inserting “1988, and as more*
 12 *specifically described in the Final Engineering Re-*
 13 *port dated May, 1993.”; and*

14 (2) *by amending paragraph (3) to read as fol-*
 15 *lows:*

16 “(3) *facilities to allow for interconnections with*
 17 *the West River Rural Water System, Lyman-Jones*
 18 *Rural Water System, Rosebud Sioux Rural Water*
 19 *System, and Lower Brule Sioux Rural Water Sys-*
 20 *tem;”.*

21 (b) *CONSTRUCTION REQUIREMENTS.*—Subsection (d)
 22 *of such section (102 Stat. 2568) is amended—*

23 (1) *by striking “West River Rural Water Sys-*
 24 *tem, and the Lyman-Jones Rural Water System,”;*
 25 *and by inserting “West River Rural Water System,*

1 *the Lyman-Jones Rural Water System, the Rosebud*
 2 *Sioux Rural Water System, and the Lower Brule*
 3 *Sioux Rural Water System,”; and*

4 *(2) by striking “three systems” and inserting*
 5 *“five systems authorized under this Act”.*

6 *(c) TITLE TO SYSTEM.—Subsection (e) of such section*
 7 *(102 Stat. 2568) is amended by inserting “or encumbered”*
 8 *after “transferred”.*

9 **SEC. 805. WEST RIVER RURAL WATER SYSTEM AND LYMAN-**
 10 **JONES RURAL WATER SYSTEM.**

11 *Section 4(a) of the Act is amended—*

12 *(1) in paragraph (2), by striking out “65 per*
 13 *centum” and inserting in lieu thereof “80 percent”;*
 14 *and*

15 *(2) in paragraph (3), by striking out “35 per*
 16 *centum” and inserting in lieu thereof “20 percent”.*

17 **SEC. 806. ROSEBUD SIOUX RURAL WATER SYSTEM AND**
 18 **LOWER BRULE SIOUX RURAL WATER SYSTEM.**

19 *The Act is amended by inserting after section 3 the*
 20 *following:*

21 **“SEC. 3A. ROSEBUD SIOUX RURAL WATER SYSTEM.**

22 *“(a) AUTHORIZATION.—The Secretary is authorized*
 23 *and directed to plan, design, construct, operate, maintain,*
 24 *and replace a municipal, rural, and industrial water sys-*
 25 *tem, to be known as the Rosebud Sioux Rural Water Sys-*

1 *tem, as generally described in the Rosebud Sioux Tribe Mu-*
2 *nicipal, Rural and Industrial Water Needs Assessment,*
3 *dated July 1993, and the Final Engineering Report for the*
4 *Mni Wiconi Rural Water Supply Project dated May, 1993.*

5 *The Rosebud Sioux Rural Water system shall consist of—*

6 “(1) necessary pumping and treatment facilities;

7 “(2) pipelines extending from the points of inter-
8 *connections with the Oglala Sioux Rural Water Sys-*
9 *tem to the Rosebud Indian Reservation;*

10 “(3) facilities to allow for interconnections with
11 *the Lyman-Jones Rural Water Supply System;*

12 “(4) distribution and treatment facilities to serve
13 *the needs of the Rosebud Indian Reservation, and*
14 *other areas described in the Rosebud Sioux Tribe Mu-*
15 *nicipal, Rural and Industrial Water Needs Assess-*
16 *ment, dated July 1993, including (but not limited to)*
17 *the purchase, improvement and repair of existing*
18 *water systems, including systems owned by individual*
19 *tribal members and other residents of the Rosebud In-*
20 *dian Reservation;*

21 “(5) appurtenant buildings and property rights;

22 “(6) necessary property and property rights;

23 “(7) electrical power transmission and distribu-
24 *tion facilities necessary for services to water systems*
25 *facilities; and*

1 “(8) such other pipelines, pumping plants, and
2 facilities as the Secretary deems necessary and appro-
3 priate to meet the water supply, economic, public
4 health, and environmental needs of the reservation,
5 including (but not limited to) water storage tanks,
6 water lines, and other facilities for the Rosebud Sioux
7 Tribe and reservation villages, towns, and munici-
8 palities.

9 “(b) AGREEMENT WITH NON-FEDERAL ENTITY TO
10 PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE
11 ROSEBUD SIOUX RURAL WATER SUPPLY SYSTEM.—

12 “(1) In carrying out subsection (a), the Sec-
13 retary, with the concurrence of the Rosebud Sioux
14 Tribal Council, shall enter into cooperative agree-
15 ments with the appropriate non-Federal entity or en-
16 tities for planning, designing, constructing, operating,
17 maintaining, and replacing the Rosebud Sioux Rural
18 Water System.

19 “(2) Such cooperative agreements shall set forth,
20 in a manner acceptable to the Secretary—

21 “(A) the responsibilities of the parties for
22 needs assessment, feasibility, and environmental
23 studies; engineering and design; construction;
24 water conservation measures; and administra-

1 *tion of any contracts with respect to this sub-*
2 *paragraph;*

3 *“(B) the procedures and requirements for*
4 *approval and acceptance of such design and con-*
5 *struction; and*

6 *“(C) the rights, responsibilities, and liabil-*
7 *ities of each party to the agreement.*

8 *“(3) Such cooperative agreements may include*
9 *purchase, improvement, and repair of existing water*
10 *systems, including systems owned by individual tribal*
11 *members and other residents located on the Rosebud*
12 *Indian Reservation.*

13 *“(4) The Secretary may unilaterally terminate*
14 *any cooperative agreement entered into pursuant to*
15 *this section if the Secretary determines that the qual-*
16 *ity of construction does not meet all standards estab-*
17 *lished for similar facilities constructed by the Sec-*
18 *retary or that the operation and maintenance of the*
19 *system does not meet conditions acceptable to the Sec-*
20 *retary for fulfilling the obligations of the United*
21 *States to the Rosebud Sioux Tribe.*

22 *“(5) Upon execution of any cooperative agree-*
23 *ment authorized under this section, the Secretary is*
24 *authorized to transfer to the appropriate non-Federal*
25 *entity, on a nonreimbursable basis, the funds author-*

1 *ized to be appropriated by section 10(a) for the Rose-*
2 *bud Sioux Rural Water System.*

3 *“(c) SERVICE AREA.—The service area of the Rosebud*
4 *Sioux Rural Water System shall extend to all of Todd*
5 *County, South Dakota, and to all other territory and lands*
6 *generally described in the Rosebud Sioux Tribe Municipal,*
7 *Rural and Industrial Water Needs Assessment, dated July*
8 *1993 and the Final Engineering Report for the Mni Wiconi*
9 *Rural Water Supply Project dated May 1993.*

10 *“(d) CONSTRUCTION REQUIREMENTS.—The pumping*
11 *plants, pipelines, treatment facilities, and other appur-*
12 *tenant facilities for the Rosebud Sioux Rural Water System*
13 *shall be planned and constructed to a size sufficient to meet*
14 *the municipal, rural and industrial water supply require-*
15 *ments of the Rosebud Sioux Tribe and the Lyman-Jones*
16 *Rural Water System, as generally described in the Rosebud*
17 *Sioux Tribe Municipal, Rural and Industrial Water Needs*
18 *Assessment, dated July 1993, and the Final Engineering*
19 *Report for the Mni Wiconi Rural Water Supply Project*
20 *dated May, 1993, taking into account the effects of the con-*
21 *servation plans described in section 5. The Rosebud Rural*
22 *Water System and Lyman-Jones Rural Water System may*
23 *be interconnected and provided with water service from*
24 *common facilities. Any joint costs associated with common*

1 *facilities shall be allocated to the Rosebud Sioux Rural*
 2 *Water System.*

3 “(e) *TITLE TO SYSTEM.—Title to the Rosebud Sioux*
 4 *Rural Water System shall be held in trust for the Rosebud*
 5 *Sioux Tribe by the United States and shall not be trans-*
 6 *ferred or encumbered without a subsequent Act of Congress.*

7 “(f) *TECHNICAL ASSISTANCE.—The Secretary is au-*
 8 *thorized and directed to provide such technical assistance*
 9 *as may be necessary to the Rosebud Sioux Tribe to plan,*
 10 *develop, construct, operate, maintain, and replace the Rose-*
 11 *bud Sioux Rural Water System, including (but not limited*
 12 *to) operation and management training.*

13 “(g) *APPLICATION OF THE INDIAN SELF-DETERMINA-*
 14 *TION ACT.—Planning, design, construction, and operation*
 15 *of the Rosebud Sioux Rural Water System shall be subject*
 16 *to the provisions of the Indian Self-Determination Act*
 17 *(Public Law 93–638, 25 U.S.C. 450).*

18 **“SEC. 3B. LOWER BRULE SIOUX RURAL WATER SYSTEM.**

19 “(a) *AUTHORIZATION.—The Secretary is authorized*
 20 *and directed to plan, design, construct, operate, maintain,*
 21 *and replace a municipal, rural, and industrial water sys-*
 22 *tem, to be known as the Lower Brule Sioux Rural Water*
 23 *System, as generally described in the Final Engineering*
 24 *Report for the Mni Wiconi Rural Water Supply Project,*

1 *dated May 1993. The Lower Brule Sioux Rural Water Sys-*
2 *tem shall consist of—*

3 *“(1) necessary pumping and treatment facilities;*

4 *“(2) pipelines extending from the points of inter-*
5 *connections with the Oglala Sioux Rural Water Sup-*
6 *ply System to the Lower Brule Indian Reservation;*

7 *“(3) facilities to allow for interconnections with*
8 *the Lyman-Jones Rural Water Supply System;*

9 *“(4) distribution and treatment facilities to serve*
10 *the needs of the Lower Brule Indian Reservation, in-*
11 *cluding (but not limited to) the purchase, improve-*
12 *ment and repair of existing water systems, including*
13 *systems owned by individual tribal members and*
14 *other residents of the Lower Brule Indian Reserva-*
15 *tion;*

16 *“(5) appurtenant buildings and property rights;*

17 *“(6) necessary property and property rights;*

18 *“(7) electrical power transmission and distribu-*
19 *tion facilities necessary for services to water systems*
20 *facilities; and*

21 *“(8) such other pipelines, pumping plants, and*
22 *facilities as the Secretary deems necessary and appro-*
23 *priate to meet the water supply, economic, public*
24 *health, and environmental needs of the reservation,*
25 *including (but not limited to) water storage tanks,*

1 *water lines, and other facilities for the Lower Brule*
2 *Sioux Tribe and reservation villages, towns and mu-*
3 *nicipalities.*

4 *“(b) AGREEMENT WITH NON-FEDERAL ENTITY TO*
5 *PLAN, DESIGN, CONSTRUCT, OPERATE AND MAINTAIN THE*
6 *LOWER BRULE SIOUX RURAL WATER SUPPLY SYSTEM.—*

7 *“(1) In carrying out subsection (a), the Sec-*
8 *retary, with the concurrence of the Lower Brule Sioux*
9 *Tribal Council, shall enter into cooperative agree-*
10 *ments with the appropriate non-Federal entity or en-*
11 *tities for planning, designing, constructing, operating,*
12 *maintaining, and replacing the Lower Brule Sioux*
13 *Rural Water System.*

14 *“(2) Such cooperative agreements shall set forth,*
15 *in a manner acceptable to the Secretary—*

16 *“(A) the responsibilities of the parties for*
17 *needs assessment, feasibility, and environmental*
18 *studies; engineering and design, construction;*
19 *water conservation measures; and administra-*
20 *tion of any contracts with respect to this sub-*
21 *paragraph;*

22 *“(B) the procedures and requirements for*
23 *approval and acceptance of such design and con-*
24 *struction; and*

1 “(C) the rights, responsibilities, and liabil-
2 ities of each party to the agreement.

3 “(3) Such cooperative agreements may include
4 purchase, improvement, and repair of existing water
5 systems, including systems owned by individual tribal
6 members and other residents located on the Lower
7 Brule Indian Reservation.

8 “(4) The Secretary may unilaterally terminate
9 any cooperative agreement entered into pursuant to
10 this section if the Secretary determines that the qual-
11 ity of construction does not meet all standards estab-
12 lished for similar facilities constructed by the Sec-
13 retary or that the operation and maintenance of the
14 system does not meet conditions acceptable to the Sec-
15 retary for fulfilling the obligations of the United
16 States to the Lower Brule Sioux Tribe.

17 “(5) Upon execution of any cooperative agree-
18 ment authorized under this section, the Secretary is
19 authorized to transfer to the appropriate non-Federal
20 entity, on a nonreimbursable basis, the funds author-
21 ized to be appropriated by section 10(a) for the Lower
22 Brule Sioux Rural Water System.

23 “(c) SERVICE AREA.—The service area of the Lower
24 Brule Sioux Rural Water System shall be the boundaries
25 of the Lower Brule Indian Reservation.

1 “(d) *CONSTRUCTION REQUIREMENTS.*—The pumping
2 plants, pipelines, treatment facilities, and other appur-
3 tenant facilities for the Lower Brule Sioux Rural Water
4 System shall be planned and constructed to a size sufficient
5 to meet the municipal, rural, and industrial water supply
6 requirements of the Lower Brule Sioux Tribe and the
7 Lyman-Jones Rural Water System, as generally described
8 in the Final Engineering Report of the Mni Wiconi Rural
9 Water Supply Project, dated May 1993, taking into account
10 the effects of the conservation plans described in section 5.
11 The Lower Brule Sioux Rural Water System and Lyman-
12 Jones Rural Water System may be interconnected and pro-
13 vided with water service from common facilities. Any joint
14 costs associated with common facilities shall be allocated
15 to the Lower Brule Sioux Rural Water System.

16 “(e) *TITLE TO SYSTEM.*—Title to the Lower Brule
17 Sioux Rural Water System shall be held in trust for the
18 Lower Brule Sioux Tribe by the United States and shall
19 not be transferred or encumbered without a subsequent Act
20 of Congress.

21 “(f) *TECHNICAL ASSISTANCE.*—The Secretary is au-
22 thorized and directed to provide such technical assistance
23 as may be necessary to the Lower Brule Sioux Tribe to
24 plan, develop, construct, operate, maintain, and replace the

1 *Lower Brule Sioux Rural Water System, including (but not*
 2 *limited to) operation and management training.*

3 “(g) *APPLICATION OF THE INDIAN SELF-DETERMINA-*
 4 *TION ACT.—Planning, design, construction, and operation*
 5 *of the Lower Brule Sioux Rural Water System shall be sub-*
 6 *ject to the provisions of the Indian Self-Determination Act*
 7 *(Public Law 93–638, 25 U.S.C. 450).”.*

8 ***SEC. 807. WEST RIVER RURAL WATER SYSTEM AND LYMAN-***
 9 ***JONES RURAL WATER SYSTEM.***

10 (a) *SERVICE AREA.—Subsection (d) of section 4 (102*
 11 *Stat. 2569) is amended by striking the period at the end*
 12 *thereof and inserting “, and Final Engineering Report*
 13 *dated May 1993.”.*

14 (b) *INTERCONNECTION OF FACILITIES AND WAIVER OF*
 15 *CHARGES.—Section 4 of the Act (102 Stat. 2568) is amend-*
 16 *ed by redesignating subsection (f) as subsection (g) and in-*
 17 *serting after subsection (e) the following new subsection:*

18 “(f) *INTERCONNECTION OF FACILITIES AND WAIVER*
 19 *OF CHARGES.—The Secretary is authorized to interconnect*
 20 *the Lyman-Jones Rural Water System, and the West River*
 21 *Rural Water System, with each of the other systems author-*
 22 *ized under this Act, and to provide for the delivery of water*
 23 *to the West River Rural Water System, and Lyman-Jones*
 24 *Rural Water System, without charge or cost, from the Mis-*
 25 *souri River and through common facilities of the Oglala*

1 *Sioux Rural Water Supply System, Rosebud Rural Water*
 2 *System and Lower Brule Rural Water System.”.*

3 **SEC. 808. WATER CONSERVATION.**

4 *Section 5 of the Act (102 Stat. 2570) is amended by*
 5 *striking “The non-Federal parties (including the Oglala*
 6 *Sioux Tribe)” and inserting “Each non-Federal party (in-*
 7 *cluding the Oglala Sioux Tribe, Rosebud Sioux Tribe, and*
 8 *Lower Brule Sioux Tribe)”.*

9 **SEC. 809. MITIGATION OF FISH AND WILDLIFE LOSSES.**

10 *Section 6 of the Act (102 Stat. 2570) is amended—*

11 *(1) in subsection (a)—*

12 *(A) by inserting “, ROSEBUD SIOUX RURAL*
 13 *WATER SUPPLY SYSTEM, LOWER BRULE SIOUX*
 14 *RURAL WATER SUPPLY SYSTEM,” after “SUPPLY*
 15 *SYSTEM”; and*

16 *(B) by inserting “Rosebud Sioux Rural*
 17 *Water Supply System, Lower Brule Sioux Rural*
 18 *Water Supply System,” after “Supply System,”;*
 19 *and*

20 *(2) in subsection (b)—*

21 *(A) by inserting “, all Indian tribes resid-*
 22 *ing on reservations within the State of South*
 23 *Dakota,” after “South Dakota”;*

24 *(B) by inserting “and terrestrial” after*
 25 *“wildlife”;*

1 (C) by striking “Such plans” and inserting
2 “Such recommendations”; and

3 (D) by adding at the end the following:

4 *“The Indian tribes shall be afforded an opportunity to re-*
5 *view and concur within any recommendations affecting*
6 *their reservations before they are submitted to Congress.”.*

7 **SEC. 810. PROHIBITION OF USE OF FUNDS FOR IRRIGATION**

8 **PURPOSES.**

9 Section 7 of the Act (102 Stat. 2570) is amended by
10 striking “Supply System,” and inserting “Supply System,
11 the Rosebud Sioux Rural Water Supply System, the Lower
12 Brule Rural Water Supply System,”.

13 **SEC. 811. RULE OF CONSTRUCTION.**

14 Section 8 of the Act (102 Stat. 2570) is amended—

15 (1) by inserting “, Rosebud Sioux Tribe, and
16 Lower Brule Sioux Tribe” after “Tribe”; and

17 (2) by striking “or construct” and inserting
18 “construct, maintain, or replace”.

19 **SEC. 812. USE OF PICK-SLOAN POWER.**

20 (a) *IN GENERAL.*—Subsection (a) of section 9 (102
21 Stat. 2570) is amended by striking “sections 3” and insert-
22 ing “sections 3, 3A, 3B,”.

23 (b) *DEFINITIONS.*—Subsection (e)(1) of section 9 (102
24 Stat. 2571) is amended by striking “Supply System,” and
25 inserting “Supply System, the Rosebud Sioux Rural Water

1 *Supply System, the Lower Brule Sioux Rural Water Sup-*
 2 *ply System,”.*

3 **SEC. 813. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 10 of the Act (102 Stat. 2571) is amended to*
 5 *read as follows:*

6 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7 *“(a) PLANNING, DESIGN, AND CONSTRUCTION.—There*
 8 *are authorized to be appropriated \$263,241,000 for the*
 9 *planning, design, and construction of the Oglala Sioux*
 10 *Rural Water Supply System, the Rosebud Sioux Rural*
 11 *Water Supply System, the Lower Brule Sioux Rural Water*
 12 *Supply System, the West River Rural Water Supply Sys-*
 13 *tem, and the Lyman-Jones Rural Water Supply System de-*
 14 *scribed in sections 3, 3A, 3B, and 4. Such funds are author-*
 15 *ized to be appropriated only through the end of the year*
 16 *2003. The funds authorized to be appropriated by the first*
 17 *sentence of this section, less any amounts previously obli-*
 18 *gated for the Systems, may be increased or decreased by*
 19 *such amounts as may be justified by reason of ordinary*
 20 *fluctuations in development costs incurred after October 1,*
 21 *1992, as indicated by engineering costs indices applicable*
 22 *for the type of construction involved.*

23 *“(b) OPERATION AND MAINTENANCE OF OGLALA*
 24 *SIoux RURAL WATER SUPPLY SYSTEM, ROSEBUD SIOUX*
 25 *RURAL WATER SUPPLY SYSTEM AND LOWER BRULE SIOUX*

1 *RURAL WATER SUPPLY SYSTEM.—There are authorized to*
2 *be appropriated such sums as may be necessary for the op-*
3 *eration and maintenance of the Oglala Sioux Rural Water*
4 *Supply System, Rosebud Sioux Rural Water Supply Sys-*
5 *tem and Lower Brule Sioux Rural Water Supply System.*
6 *The operation and maintenance expenses associated with*
7 *water deliveries to the West River and Lyman-Jones Rural*
8 *Water Systems are a non-Federal responsibility and for*
9 *such deliveries the Secretary shall enter into a contract with*
10 *the West River and Lyman-Jones Systems for the payment*
11 *of an annual operation and maintenance fee. Such fee shall*
12 *be based on the incremental operation and maintenance*
13 *costs for water actually delivered each year to the West*
14 *River and Lyman-Jones Rural Water Systems. Such oper-*
15 *ation and maintenance payments shall be increased or de-*
16 *creased by such amounts as may be justified by reason of*
17 *ordinary fluctuations as indicated by indices applicable to*
18 *comparable regional rural water supply systems for the*
19 *type of operation and maintenance involved.*

20 “(c) *WASTE WATER DISPOSAL SYSTEMS FEASIBILITY*
21 *STUDIES.—There is authorized to be appropriated such*
22 *sums as may be necessary to complete the feasibility studies*
23 *authorized by section 15(c).”.*

1 **SEC. 814. WATER RIGHTS.**

2 Paragraph (5) of section 11 (102 Stat. 2571) is
3 amended—

4 (1) by inserting “rights, benefits, privileges or
5 claims, including” after “affect any”;

6 (2) by inserting “Rosebud Sioux Tribe and
7 Lower Brule Sioux Tribe,” after “Tribe,” the first
8 place it appears;

9 (3) by striking “the Pine Ridge Indian Reserva-
10 tion” and inserting “their respective reservations”;
11 and

12 (4) by striking “Tribe,” the second place it ap-
13 pears and inserting “Tribe, Rosebud Sioux Tribe,
14 Lower Brule Sioux Tribe,”.

15 **SEC. 815. FEASIBILITY STUDIES.**

16 (a) *ALTERNATE USES.*—Section 3 of Public Law 97–
17 273, as amended by section 12(b) of Public Law 100–516
18 (102 Stat. 2572), is amended by striking “Dakota,” and
19 inserting “Dakota and all Indian tribes residing on res-
20 ervations within the State of South Dakota,”.

21 (b) *WASTE WATER DISPOSAL SYSTEMS.*—Section 12
22 of the Act (102 Stat. 2572) is amended by adding at the
23 end the following:

24 “(c) *WASTE WATER DISPOSAL SYSTEMS.*—(1) The
25 Secretary is authorized and directed, in consultation with
26 the Oglala Sioux Tribe, Rosebud Sioux Tribe and Lower

1 *Brule Sioux Tribe, to conduct feasibility studies on the need*
 2 *to develop waste water disposal facilities and systems, and*
 3 *rehabilitate existing waste water disposal facilities and sys-*
 4 *tems, on the Pine Ridge Indian Reservation, Rosebud In-*
 5 *dian Reservation and Lower Brule Indian Reservation, and*
 6 *to report to the Congress the findings of such studies along*
 7 *with his recommendations.*

8 “(2) *The feasibility studies authorized under this sub-*
 9 *section shall be completed and presented to Congress within*
 10 *one year after the date that funds are first made available*
 11 *by the Secretary to complete the studies.”.*

12 ***TITLE IX—BELLE FOURCHE***
 13 ***IRRIGATION PROJECT***

14 ***SEC. 901. EXPANSION OF BELLE FOURCHE IRRIGATION***
 15 ***PROJECT.***

16 (a) *AUTHORIZATION OF ADDITIONAL ACTIVITIES.—*
 17 *The Act entitled “An Act to authorize rehabilitation of the*
 18 *Belle Fourche irrigation project, and for other purposes.”*
 19 *(Public Law 98–157, 97 Stat. 989) is amended in the first*
 20 *section—*

21 (1) *by striking “That the general” and inserting*
 22 *in lieu thereof, so as to appear immediately after and*
 23 *below the enacting clause, the following:*

24 “SECTION 1. (a) *The general plan for*”; and

25 (2) *by adding at the end the following:*

1 “(b)(1) In addition to the activities authorized under
 2 subsection (a), the general plan for the Belle Fourche project
 3 is modified to include the following:

4 “(A) Rehabilitation of the following major water
 5 control structures:

6 “(i) The Whitewood Siphon.

7 “(ii) 2 Belle Fourche dam outlets.

8 “(B) Lining at South Canal and rehabilitation
 9 of Johnson Lateral for water conservation.

10 “(C) Replacement or rehabilitation of deterio-
 11 rated canal bridges.

12 “(D) Provision of minor lateral rehabilitation
 13 and contract support work by the Belle Fourche irri-
 14 gation district.

15 “(E) Conduct of a detailed study of project-wide
 16 water use management and implementation of im-
 17 proved management practices for the purpose of
 18 achieving optimal conservation of water supplies.

19 “(2) The Federal share of the cost of activities under
 20 this subsection may not exceed \$10,500,000. The State share
 21 of those costs may not exceed \$4,000,000, and shall be paid
 22 concurrently with Federal expenditures for activities under
 23 this subsection.”.

24 (b) EXTENSION OF REPAYMENT PERIOD.—Section 2(b)
 25 of that Act is amended by striking “the year in which such

1 *amendatory repayment contract is executed” and inserting*
 2 *“July 1, 1995”.*

3 *(c) APPLICABLE RATES OF CHARGE AND ASSESSABLE*
 4 *ACREAGE.—Section 2(c) of that Act is amended to read as*
 5 *follows:*

6 *“(c)(1) Before July 1, 1995, the rates of charge to land*
 7 *class in the unit shall continue to be as established in the*
 8 *November 29, 1949, repayment contract with the district,*
 9 *as subsequently amended and supplemented. On and after*
 10 *July 1, 1995, such rates of charge and assessable acreage*
 11 *shall, subject to subsection (d), be in accordance with the*
 12 *amortization capacity and classification of unit lands as*
 13 *then determined by the Secretary.*

14 *“(2) After final completion of the rehabilitation and*
 15 *betterment program authorized by this Act, and at intervals*
 16 *agreed to by the Secretary and the Belle Fourche irrigation*
 17 *district, the rates of charge and assessable acreage may be*
 18 *amended as determined necessary by the Secretary.”.*

19 *(d) AUTHORIZATION OF APPROPRIATION.—Section 7*
 20 *of that Act is amended—*

21 *(1) by inserting “(a)” after “SEC. 7.”; and*

22 *(2) by adding at the end the following:*

23 *“(b) In addition to amounts authorized under sub-*
 24 *section (a), for activities under section 1(b) there are au-*
 25 *thorized to be appropriated \$10,500,000, plus or minus such*

1 amounts (if any) as may be justified by reason of ordinary
 2 fluctuations in construction cost indexes applicable to types
 3 of construction conducted under that section.”.

4 (e) AMENDMENT OF CONTRACT.—The Secretary of the
 5 Interior and the Belle Fourche irrigation district shall
 6 amend the contract numbered 5-07-60-WR170 to reflect
 7 the amendments made by this section.

8 **TITLE X—UPPER YAMPA WATER**
 9 **CONSERVANCY PROJECT**

10 **SEC. 1001. SHORT TITLE.**

11 This title may be cited as the “Stagecoach Reservoir
 12 Project Act of 1994”.

13 **SEC. 1002. SALE OF THE STAGECOACH RESERVOIR PROJECT**
 14 **LOAN.**

15 (a) AGREEMENT.—

16 (1) IN GENERAL.—As soon as practicable after
 17 the date of enactment of this Act, the Secretary of the
 18 Interior shall conduct appropriate investigations re-
 19 garding, and is authorized to sell, or accept prepay-
 20 ment on, the loan contract described in paragraph (2)
 21 to the Upper Yampa Water Conservancy District in
 22 Colorado (referred to in this title as the “District”)
 23 for the Stagecoach Reservoir Project.

24 (2) LOAN CONTRACT.—The loan contract de-
 25 scribed in paragraph (1) is numbered 7-07-40-

1 *R0480 and was entered into pursuant to the Small*
2 *Reclamation Projects Act of 1956 (43 U.S.C. 422a et*
3 *seq.).*

4 *(b) PAYMENT.—Any agreement negotiated pursuant to*
5 *subsection (a) shall realize an amount to the Federal Gov-*
6 *ernment calculated by discounting the remaining payments*
7 *due on the loans by the interest rate determined pursuant*
8 *to subsection (c).*

9 *(c) INTEREST RATE.—*

10 *(1) IN GENERAL.—The Secretary shall determine*
11 *the interest rate in accordance with the guidelines set*
12 *forth in Circular A-129 issued by the Office of Man-*
13 *agement and Budget concerning loan sales and pre-*
14 *payment of loans.*

15 *(2) DETERMINATION.—In determining the inter-*
16 *est rate, the Secretary—*

17 *(A) shall not equate an appropriate amount*
18 *of prepayment with the price of the loan if it*
19 *were to be sold on the open market to a third*
20 *party; and*

21 *(B) shall, in following the guidelines set*
22 *forth in Circular A-129 regarding an allowance*
23 *for administrative expenses and possible losses,*
24 *make such an allowance from the perspective of*
25 *the Federal Government as lender and not from*

1 *the perspective of a third party purchasing the*
2 *loan on the open market.*

3 (3) *ADJUSTMENT.—If the borrower or purchaser*
4 *of the loan has access to tax-exempt financing, includ-*
5 *ing tax-exempt bonds, tax-exempt cash reserves, and*
6 *cash and loans of any kind from any tax-exempt en-*
7 *tity, to finance the transaction, and if the Office of*
8 *Management and Budget grants the Secretary the*
9 *right to conduct such a transaction, then the interest*
10 *rate by which the Secretary discounts the remaining*
11 *payments due on the loan shall be adjusted by an*
12 *amount that compensates the Federal Government for*
13 *the direct or indirect loss of future tax revenues.*

14 (4) *LIMITATION.—Notwithstanding any other*
15 *provision of law, the interest rate shall not exceed a*
16 *composite interest rate consisting of the current mar-*
17 *ket yield on Treasury securities of comparable matu-*
18 *rities.*

19 (5) *APPROVAL.—The Secretary shall obtain ap-*
20 *proval from the Secretary of the Treasury and the Di-*
21 *rector of the Office of Management and Budget of the*
22 *final terms of any loan sale or prepayment made*
23 *pursuant to this title.*

1 **SEC. 1003. TERMINATION AND CONVEYANCE OF RIGHTS.**

2 *Upon receipt of the payment specified in section*
 3 *1002(b)—*

4 *(1) the obligation of the District under the loan*
 5 *contract described in section 1002(a)(2) shall termi-*
 6 *nate;*

7 *(2) the Secretary of the Interior shall convey all*
 8 *right and interest of the United States in the Stage-*
 9 *coach Reservoir Project to the District; and*

10 *(3) the District shall absolve the United States,*
 11 *and its officers and agents, of any liability associated*
 12 *with the Stagecoach Reservoir Project.*

13 **SEC. 1004. TERMINATION OF AUTHORITY.**

14 *(a) IN GENERAL.—Subject to subsection (b), the au-*
 15 *thority granted by this title to sell loans shall terminate*
 16 *2 years after the date of enactment of this Act.*

17 *(b) TIME TO RESPOND TO OFFER.—The borrower*
 18 *shall have not less than 60 days to respond to any prepay-*
 19 *ment offer made by the Secretary.*

20 **TITLE XI—MANCOS PROJECT**

21 **SEC. 1101. SHORT TITLE.**

22 *This title may be cited as the “Mancos Project Private*
 23 *Power Development Authorization Act of 1994”.*

24 **SEC. 1102. FINDINGS.**

25 *Congress finds that—*

1 (a) development of hydroelectric power at the
2 Mancos Project consistent with the Feasibility Report
3 and Engineering and Construction Report for the
4 Jackson Gulch Reservoir Hydroelectric Project dated
5 April 19, 1991, and revised on May 13, 1992, and
6 February 10, 1993, by the Mancos Water Conservancy
7 District—

8 (1) will be without cost to the United
9 States;

10 (2) will not impair the efficiency of the
11 project for irrigation purposes;

12 (3) will not alter the volume, timing or tem-
13 peratures of flows from the reservoir; and

14 (4) is not likely to cause any new or in-
15 creased adverse impacts to any federally listed or
16 candidate species;

17 (b) that the Mancos Water Conservancy District
18 is currently operating and maintaining facilities at
19 the Mancos Project and that the development of hy-
20 droelectric power at the Mancos Project consistent
21 with the Feasibility Report and Engineering and
22 Construction Report for the Jackson Gulch Reservoir
23 Hydroelectric Project dated April 19, 1991, revised on
24 May 13, 1992, and February 10, 1993, by the Mancos
25 Water Conservancy District will not increase oper-

1 *ation and maintenance costs of the Federal Govern-*
 2 *ment; and*

3 *(c) that any lease of power privileges issued by*
 4 *the Secretary pursuant to this title does not constitute*
 5 *a “contract” under section 202(1) of Public Law 97–*
 6 *293 (96 Stat. 1261; 43 U.S.C. section 390bb) and that*
 7 *nothing in this title is intended to make applicable*
 8 *any section of Public Law 97–293 (96 Stat. 1261; 43*
 9 *U.S.C. section 390aa et. seq.) that would not pre-*
 10 *viously apply.*

11 **SEC. 1103. AUTHORIZATION TO LEASE POWER PRIVILEGES.**

12 *Notwithstanding the provisions of the Water Conserva-*
 13 *tion and Utilization Act (16 U.S.C. sections 590y–590z–*
 14 *11) or any relevant provision of the repayment contract*
 15 *Ilr–384, dated July 20, 1942, as amended December 22,*
 16 *1947, the Secretary is authorized to enter into a lease of*
 17 *power privileges at the Mancos Project, Colorado, with the*
 18 *Mancos Water Conservancy District.*

19 **SEC. 1104. LEASE CONDITIONS.**

20 *Any such lease of power privileges issued pursuant to*
 21 *section 1103 of this title shall not exceed a period of forty*
 22 *years and shall be consistent with rates charged by the Fed-*
 23 *eral Energy Regulatory Commission for comparable sized*
 24 *projects. Moneys derived from such lease shall be covered*
 25 *into the reclamation fund in accordance with relevant parts*

1 *of Federal reclamation law, the Act of June 17, 1902, and*
 2 *Acts supplementary thereto and amendatory thereof (43*
 3 *U.S.C. 371).*

4 **SEC. 1105. REVENUES DERIVED FROM POWER DEVELOP-**
 5 **MENT.**

6 *Notwithstanding the provisions of the Water Conserva-*
 7 *tion and Utilization Act (16 U.S.C. sections 590y–590z–*
 8 *11) or any relevant provision of the repayment contract*
 9 *Ilr–384, dated July 20, 1942, as amended December 22,*
 10 *1947, the Mancos Water Conservancy District may receive*
 11 *revenues from the sale of the power generated pursuant to*
 12 *such lease of power privilege.*

13 **TITLE XII—YAKIMA RIVER BASIN**
 14 **WATER ENHANCEMENT**
 15 **PROJECT**

16 **SEC. 1201. PURPOSES.**

17 *The purposes of this title are—*

- 18 *(1) to protect, mitigate, and enhance fish and*
 19 *wildlife through improved water management; im-*
 20 *proved instream flows; improved water quality; pro-*
 21 *tection, creation and enhancement of wetlands; and*
 22 *by other appropriate means of habitat improvement;*
 23 *(2) to improve the reliability of water supply for*
 24 *irrigation;*

1 (3) to authorize a Yakima River basin water
2 conservation program that will improve the efficiency
3 of water delivery and use; enhance basin water sup-
4 plies; improve water quality; protect, create and en-
5 hance wetlands; and determine the amount of basin
6 water needs that can be met by water conservation
7 measures;

8 (4) to realize sufficient water savings from the
9 Yakima River Basin Water Conservation Program so
10 that not less than 40,000 acre-feet of water savings
11 per year are achieved by the end of the fourth year
12 of the Basin Conservation Program, and not less than
13 110,000 acre-feet of water savings per year are
14 achieved by the end of the eighth year of the program,
15 to protect and enhance fish and wildlife resources;
16 and not less than 55,000 acre feet of water savings
17 per year are achieved by the end of the eighth year
18 of the program for availability for irrigation;

19 (5) to encourage voluntary transactions among
20 public and private entities which result in the imple-
21 mentation of water conservation measures, practices,
22 and facilities; and

23 (6) to provide for the implementation by the
24 Yakama Indian Nation at its sole discretion of (A) an
25 irrigation demonstration project on the Yakama In-

1 *dian Reservation using water savings from system*
2 *improvements to the Wapato Irrigation Project, and*
3 *(B) a Toppenish Creek corridor enhancement project*
4 *integrating agricultural, fish, wildlife, and cultural*
5 *resources.*

6 **SEC. 1202. DEFINITIONS.**

7 *As used in this title:*

8 (1) *The term “Basin Conservation Plan” means*
9 *a plan for implementing water conservation measures*
10 *found in the various water conservation plans devel-*
11 *oped under the Basin Conservation Program.*

12 (2) *The term “Basin Conservation Program”*
13 *means the Yakima River Basin Water Conservation*
14 *Program established under section 1203(a).*

15 (3) *The term “comprehensive basin operating*
16 *plan” means a plan that will provide guidance to the*
17 *Yakima Project Superintendent for operation of the*
18 *existing Yakima Project as modified by actions taken*
19 *pursuant to this title.*

20 (4) *The term “Conservation Advisory Group”*
21 *means the Yakima River Basin Conservation Advi-*
22 *sory Group established under section 1203(c).*

23 (5) *The term “conserved water” means water*
24 *saved and attributable to the program established*
25 *under the Basin Conservation Program.*

1 (6) The term “Irrigation Demonstration Project”
2 means the Yakama Indian Reservation Irrigation
3 Demonstration Project authorized in section 1204(b).

4 (7) The term “nonproratable water” means that
5 portion of the total water supply available under pro-
6 visions of sections 18 and 19 of Civil Action No. 21
7 (Federal District Court Judgment of January 31,
8 1945) that is not subject to proration in times of
9 water shortage.

10 (8) The term “on-district storage” means small
11 water storage facilities located within the boundaries
12 of an irrigation entity, including reregulating res-
13 ervoirs, holding ponds, or other new storage methods
14 which allow for efficient water use.

15 (9) The term “proratable water” means that por-
16 tion of the total water supply available under provi-
17 sions of sections 18 and 19 of Civil Action No. 21
18 (Federal District Court Judgment of January 31,
19 1945) that is subject to proration in times of water
20 shortage.

21 (10) The term “Secretary” means the Secretary
22 of the Interior.

23 (11) The term “System Operations Advisory
24 Committee” means a group of fishery biologists—

1 (A) created by the Yakima Project Super-
2 intendent in response to the supplemental in-
3 structions entitled “Supplementary Instructions
4 to the Water Master”, and dated November 28,
5 1980, in the case of Kittitass Reclamation Dis-
6 trict, et al. vs. the Sunnyside Valley Irrigation
7 District, et al. (E.D. Wash., Civil No. 21.);

8 (B) who advise the Yakima Project Super-
9 intendent on operations of the Yakima Project
10 for fish and wildlife purposes; and

11 (C) who, together with others, were identi-
12 fied for consultation on November 29, 1990, in
13 the amended partial summary judgment entered
14 in the basin adjudication (Yakima County Supe-
15 rior Court No. 77-2-01484-5).

16 (12) The term “Toppenish Enhancement Project”
17 means the Toppenish Creek corridor enhancement
18 project authorized by section 1204(c).

19 (13) The term “Yakama Indian Nation” means
20 the Confederated Tribes and Bands of the Yakama In-
21 dian Nation as redesignated under section 1204(g).

22 (14) The term “Yakima Project Superintendent”
23 means the individual designated by the Regional Di-
24 rector, Pacific Northwest Region, Bureau of Reclama-
25 tion, to be responsible for the operation and manage-

1 *ment of the Yakima Federal Reclamation Project,*
2 *Washington.*

3 **SEC. 1203. YAKIMA RIVER BASIN WATER CONSERVATION**
4 **PROGRAM.**

5 *(a) ESTABLISHMENT.—(1) The Secretary, in consulta-*
6 *tion with the State of Washington, the Yakama Indian Na-*
7 *tion, Yakima River basin irrigators, and other interested*
8 *parties, shall establish and administer a Yakima River*
9 *Basin Water Conservation Program for the purpose of eval-*
10 *uating and implementing measures to improve the avail-*
11 *ability of water supplies for irrigation and the protection*
12 *and enhancement of fish and wildlife resources, including*
13 *wetlands, while improving the quality of water in the Yak-*
14 *ima Basin. The Secretary may make grants to eligible enti-*
15 *ties for the purposes of carrying out this title under such*
16 *terms and conditions as the Secretary may require. Such*
17 *terms and conditions shall include a requirement that all*
18 *water districts, irrigation districts, individuals, or other en-*
19 *tities eligible to participate in the Basin Conservation Pro-*
20 *gram must equip all surface water delivery systems within*
21 *their boundaries with volumetric water meters or equally*
22 *effective water measuring methods within 5 years of the*
23 *date of enactment of this Act.*

24 *(2) Conserved water resulting in whole or in part from*
25 *the expenditure of Federal funds shall not be used to expand*

1 *irrigation in the Yakima Basin, except as specifically pro-*
2 *vided in section 1204(a)(3) on the Yakama Indian Reserva-*
3 *tion.*

4 *(3) The provisions of this section shall not apply to*
5 *the Yakama Indian Nation except as to any funds specifi-*
6 *cally applied for from the Basin Conservation Program.*

7 *(b) FOUR PHASES OF PROGRAM.—The Basin Con-*
8 *servation Program shall encourage and provide funding as-*
9 *sistance for four phases of water conservation, which shall*
10 *consist of the following:*

11 *(1) The development of water conservation plans,*
12 *consistent with applicable water conservation guide-*
13 *lines of the Secretary, by irrigation districts, con-*
14 *servation districts, water purveyors, other areawide*
15 *entities, and individuals not included within an*
16 *areawide entity.*

17 *(2) The investigation of the feasibility of specific*
18 *potential water conservation measures identified in*
19 *conservation plans.*

20 *(3) The implementation of measures that have*
21 *been identified in conservation plans and have been*
22 *determined to be feasible.*

23 *(4) Post implementation monitoring and evalua-*
24 *tion of implemented measures.*

1 (c) *CONSERVATION ADVISORY GROUP.*—(1) *Not later*
2 *than 12 months after the date of enactment of this Act, the*
3 *Secretary, in consultation with the State of Washington,*
4 *the Yakama Indian Nation, Yakima River basin irrigators,*
5 *and other interested and related parties, shall establish the*
6 *Yakima River Basin Conservation Advisory Group.*

7 (2) *Members of the Conservation Advisory Group shall*
8 *be appointed by the Secretary and shall be comprised of—*

9 (A) *one representative of the Yakima River basin*
10 *nonproratable irrigators,*

11 (B) *one representative of the Yakima River basin*
12 *proratable irrigators,*

13 (C) *one representative of the Yakama Indian Na-*
14 *tion,*

15 (D) *one representative of environmental inter-*
16 *ests,*

17 (E) *one representative of the Washington State*
18 *University Agricultural Extension Service,*

19 (F) *one representative of the Department of*
20 *Wildlife of the State of Washington, and*

21 (G) *one individual who shall serve as the*
22 *facilitator.*

23 (3) *The Conservation Advisory Group shall—*

24 (A) *provide recommendations to the Secretary*
25 *and to the State of Washington regarding the struc-*

1 *ture and implementation of the Basin Conservation*
2 *Program,*

3 *(B) provide recommendations to the Secretary*
4 *and to the State of Washington regarding the estab-*
5 *lishment of a permanent program for the measure-*
6 *ment and reporting of all natural flow and contract*
7 *diversions within the basin.*

8 *(C) structure a process to prepare a basin con-*
9 *servation plan as specified in subsection (f),*

10 *(D) provide annual review of the implementa-*
11 *tion of the applicable water conservation guidelines of*
12 *the Secretary, and*

13 *(E) provide recommendations consistent with*
14 *statutes of the State of Washington on rules, regula-*
15 *tions, and administration of a process to facilitate the*
16 *voluntary sale or lease of water.*

17 *(4) The facilitator shall arrange for meetings of the*
18 *Conservation Advisory Group, provide logistical support,*
19 *and serve as moderator for the meetings.*

20 *(5) The Conservation Advisory Group shall consult an*
21 *irrigation district when considering actions specifically af-*
22 *fecting that district. For the purposes of this paragraph,*
23 *an irrigation district includes the Yakima Reservation Irri-*
24 *gation District.*

(6) *The Conservation Advisory Group shall be nonvoting, seeking consensus whenever possible. If disagreement occurs, any member may submit independent comments to the Secretary. The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.*

(d) *COST SHARING.—(1) Except as otherwise provided by this title, costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:*

<i>Program Phase</i>	<i>Non-Federal</i>		<i>Federal Grant</i>
	<i>State Grant</i>	<i>Local</i>	
<i>1. Development of water conservation plans</i>	<i>50% but not more than \$200,000 per recipient</i>	<i>(Residual amount if any)</i>	<i>50%</i>
<i>2. Investigation of specific water conservation measures</i>	<i>50% but sum of 1 and 2 not greater than \$200,000 per recipient</i>	<i>20% after deducting State funds for Item 2</i>	<i>Residual amount after deducting State and local funds for Item 2</i>
<i>3 and 4. Implementation and post implementation monitoring and evaluation</i>	<i>17.5%</i>	<i>17.5%</i>	<i>65.0%</i>

(2) *The Yakima River Basin Water Enhancement Project is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Yakima River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the*

1 *Pacific Northwest Electric Power Planning and Conserva-*
 2 *tion Act of 1989 (94 Stat. 2697) and independent water-*
 3 *related improvements of the State of Washington and other*
 4 *public and private entities to improve irrigation water use,*
 5 *water supply, and water quality, shall be treated as non-*
 6 *Federal cost share expenditures and shall be consolidated*
 7 *in any final calculation of required cost sharing. Within*
 8 *one year of the date of enactment of this Act, the Secretary*
 9 *shall enter into a binding cost sharing agreement with the*
 10 *State of Washington. The agreement shall describe the terms*
 11 *and conditions of specific contributions and other activities*
 12 *that may, subject to approval by the Secretary, qualify as*
 13 *non-Federal cost share expenditures.*

14 (3) *Costs of the Basin Conservation Program related*
 15 *to projects on the Yakama Indian Reservation are a Federal*
 16 *responsibility and shall be nonreimbursable and not subject*
 17 *to the cost-sharing provisions of this subsection.*

18 (e) *ENTITY WATER CONSERVATION PLANS.—To par-*
 19 *ticipate in the Conservation Basin Program an entity must*
 20 *submit a proposed water conservation plan to the Secretary.*
 21 *The Secretary shall approve a water conservation plan sub-*
 22 *mitted under this subsection if the Secretary determines*
 23 *that the plan meets the applicable water conservation guide-*
 24 *lines of the Secretary.*

1 (f) *BASIN CONSERVATION PLAN.*—*The Conservation*
 2 *Advisory Group shall, within 2½ years after the date of*
 3 *enactment of this Act, submit a draft basin conservation*
 4 *plan to the Secretary.*

5 (g) *PUBLIC COMMENT.*—*The Secretary shall distribute*
 6 *the draft basin conservation plan and the entity water con-*
 7 *servation plans submitted under subsections (e) and (f), re-*
 8 *spectively, for public comment for a 60-day period.*

9 (h) *PUBLICATION OF BASIN CONSERVATION PLAN.*—
 10 *Within 60 days after the close of the comment period under*
 11 *subsection (g), the Secretary shall publish the Basin Con-*
 12 *servation Plan which plan will provide the basis—*

13 (1) *for prioritizing and allocating funds to im-*
 14 *plement conservation measures under this title; and*

15 (2) *for preparing an interim comprehensive*
 16 *basin operating plan under section 1210 of this title*
 17 *as provided for in Public Law 96–162 (93 Stat.*
 18 *1241).*

19 (i) *CONSERVATION MEASURES.*—(1) *Measures consid-*
 20 *ered for implementation in the Basin Conservation Pro-*
 21 *gram may include, among others, conveyance and distribu-*
 22 *tion system monitoring, automation of water conveyance*
 23 *systems, water measuring or metering devices and equip-*
 24 *ment, lining and piping of water conveyance and distribu-*
 25 *tion systems, on-district storage, electrification of hydraulic*

1 turbines, tail-water recycling, consolidation of irrigation
2 systems, irrigation scheduling, and improvement of on-farm
3 water application systems. Basin Conservation Program
4 funds may also be used throughout all four phases of the
5 Basin Conservation Program to mitigate for adverse im-
6 pacts of program measures.

7 (2) In addition to implementing existing technologies,
8 the Secretary shall encourage the testing of innovative water
9 conservation measures. The Secretary shall, to the maxi-
10 mum extent possible under applicable Federal, State, and
11 tribal law, cooperate with the State of Washington to facili-
12 tate water and water right transfers, water banking, dry
13 year options, the sale and leasing of water, and other inno-
14 vative allocation tools used to maximize the utility of exist-
15 ing Yakima River basin water supplies.

16 (3) The Secretary may, consistent with applicable law,
17 use funds appropriated to carry out this section for the pur-
18 chase or lease of land, water, or water rights from any en-
19 tity or individual willing to limit or forego water use on
20 a temporary or permanent basis. Funds used for purchase
21 or lease under this paragraph are not subject to the cost
22 sharing provisions of subsection (d). Efforts to acquire
23 water should be made immediately upon availability of
24 funds to meet the three-year goal specified in section
25 1205(a)(4) to provide water to be used by the Yakima

1 *Project Superintendent under the advisement of the System*
 2 *Operations Advisory Committee for instream flow purposes.*
 3 *The use of Basin Conservation Program funds under this*
 4 *paragraph are in addition to those specifically authorized*
 5 *to be appropriated by subsection (j)(4).*

6 *(4) On-farm water management improvements shall be*
 7 *coordinated with programs administered by the Secretary*
 8 *of Agriculture and State conservation districts.*

9 *(j) AUTHORIZATION OF APPROPRIATIONS.—There is*
 10 *hereby authorized to be appropriated to the Secretary, at*
 11 *September 1990 prices, plus or minus such amounts as may*
 12 *be justified by reason of ordinary fluctuations of applicable*
 13 *cost indexes, the following amounts for the Basin Conserva-*
 14 *tion Program:*

15 *(1) \$1,000,000 for the development of water con-*
 16 *servation plans.*

17 *(2) \$4,000,000 for investigation of specific poten-*
 18 *tial water conservation measures identified in con-*
 19 *servation plans for consideration for implementing*
 20 *through the Basin Conservation Program.*

21 *(3) Up to \$67,500,000 for design, implementa-*
 22 *tion, post-implementation monitoring and evaluation*
 23 *of measures, and addressing environmental impacts.*

24 *(4) Up to \$10,000,000 for the initial acquisition*
 25 *of water from willing sellers or lessors specifically to*

1 *provide instream flows for interim periods to facili-*
 2 *tate the outward migration of anadromous fish flush-*
 3 *ing flows. Such funds shall not be subject to the cost*
 4 *sharing provisions of subsection (d).*

5 *(5) \$100,000 annually for the establishment and*
 6 *support of the Conservation Advisory Group during*
 7 *its duration. Such funds shall be available for travel*
 8 *and per diem, rental of meeting rooms, typing, print-*
 9 *ing and mailing, and associated administrative*
 10 *needs. The Secretary and the State of Washington*
 11 *shall provide appropriate staff support to the Con-*
 12 *servation Advisory Group.*

13 **SEC. 1204. YAKAMA INDIAN NATION.**

14 *(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS*
 15 *AND APPROPRIATIONS.—(1) The Yakama Indian Nation's*
 16 *proposed system improvements to the Wapato Irrigation*
 17 *Project, as well as the design, construction, operation, and*
 18 *maintenance of the Irrigation Demonstration Project and*
 19 *the Toppenish Creek corridor enhancement project, pursu-*
 20 *ant to this title shall be coordinated with the Bureau of*
 21 *Indian Affairs.*

22 *(2) There is authorized to be appropriated to the Sec-*
 23 *retary not more than \$23,000,000 for the preparation of*
 24 *plans, investigation of measures, and following the Sec-*
 25 *retary's certification that such measures are consistent with*

1 *the water conservation objectives of this title, the implemen-*
 2 *tation of system improvements to the Wapato Irrigation*
 3 *Project. Funding for further improvements within the*
 4 *Wapato Irrigation Project may be acquired under the Basin*
 5 *Conservation Program or other sources identified by the*
 6 *Yakama Indian Nation.*

7 (3) *Water savings resulting from irrigation system im-*
 8 *provements shall be available for the use of the Yakama In-*
 9 *dian Nation for irrigation and other purposes on the res-*
 10 *ervation and for protection and enhancement of fish and*
 11 *wildlife within the Yakima River basin. The conveyance of*
 12 *such water through irrigation facilities other than the*
 13 *Wapato Irrigation Project shall be on a voluntary basis and*
 14 *shall not further diminish the amount of water that other-*
 15 *wise would have been delivered by an entity to its water*
 16 *users in years of water proration.*

17 (b) *IRRIGATION DEMONSTRATION PROJECT APPRO-*
 18 *PRIATIONS.—(1)(A) There is hereby authorized to be appro-*
 19 *priated to the Secretary—*

20 (i) *at September 1990 prices, plus or minus such*
 21 *amounts as may be justified by reason of ordinary*
 22 *fluctuations of applicable cost indexes, \$8,500,000 for*
 23 *the design and construction of the Yakama Indian*
 24 *Reservation Irrigation Demonstration Project; and*

1 (ii) such sums as may be necessary for the oper-
2 ation and maintenance of the Irrigation Demonstra-
3 tion Project, including funds for administration,
4 training, equipment, materials, and supplies for the
5 period specified by the Secretary, which sums are in
6 addition to operation and maintenance funds for
7 wildlife and cultural purposes appropriated to the
8 Secretary under other authorization.

9 (B) Funds may not be made available under this sub-
10 section until the Yakama Indian Nation obtains the concur-
11 rence of the Secretary in the construction, management, and
12 administrative aspects of the Irrigation Demonstration
13 Project.

14 (C) After the end of the period specified under subpara-
15 graph (A)(ii), costs for the operation and maintenance of
16 the Irrigation Demonstration Project, including funds for
17 administration, training, equipment, materials, and sup-
18 plies referred to in that subparagraph, shall be borne exclu-
19 sively by the lands directly benefitting from the Irrigation
20 Demonstration Project.

21 (2) The Irrigation Demonstration Project shall provide
22 for the construction of distribution and on-farm irrigation
23 facilities to use all or a portion of the water savings, as
24 determined by the Yakama Indian Nation, resulting from
25 the Wapato Irrigation Project system improvements for—

1 (A) *demonstrating cost-effective state of the art*
2 *irrigation water management and conservation,*

3 (B) *the training of tribal members in irrigation*
4 *methods, operation, and management, and*

5 (C) *upgrading existing hydroelectric facilities*
6 *and construction of additional hydroelectric facilities*
7 *on the reservation to meet irrigation pumping power*
8 *needs.*

9 (c) *TOPPENISH CREEK CORRIDOR ENHANCEMENT*
10 *PROJECT APPROPRIATIONS.—There is hereby authorized to*
11 *be appropriated to the Secretary \$1,500,000 for the further*
12 *investigation by the Yakama Indian Nation of measures to*
13 *develop a Toppenish Creek corridor enhancement project to*
14 *demonstrate integration of management of agricultural,*
15 *fish, wildlife, and cultural resources to meet tribal objectives*
16 *and such amount as the Secretary subsequently determines*
17 *is necessary for implementation. There is also authorized*
18 *to be appropriated to the Secretary such sums as may be*
19 *necessary for the operation and maintenance of the*
20 *Toppenish Enhancement Project.*

21 (d) *REPORT.—Within 5 years of the implementation*
22 *of the Irrigation Demonstration Project and the Toppenish*
23 *Enhancement Project, the Secretary, in consultation with*
24 *the Yakama Indian Nation, shall report to the Committee*
25 *on Energy and Natural Resources of the Senate, the Com-*

1 *mittee on Natural Resources of the House of Representa-*
 2 *tives, and the Governor of the State of Washington on the*
 3 *effectiveness of the conservation, training, mitigation, and*
 4 *other measures implemented.*

5 (e) *STATUS OF IMPROVEMENTS AND FACILITIES.*—*The*
 6 *Wapato Irrigation Project system improvements and any*
 7 *specific irrigation facility of the Irrigation Demonstration*
 8 *Project (excluding on-farm irrigation facilities) and the*
 9 *Toppenish Enhancement Project shall become features of the*
 10 *Wapato Irrigation Project.*

11 (f) *TREATMENT OF CERTAIN COSTS.*—*Costs related to*
 12 *Wapato Irrigation Project improvements, the Irrigation*
 13 *Demonstration Project, and the Toppenish Enhancement*
 14 *Project shall be a Federal responsibility and are*
 15 *nonreimbursable and nonreturnable.*

16 (g) *REDESIGNATION OF YAKIMA INDIAN NATION TO*
 17 *YAKAMA INDIAN NATION.*—

18 (1) *REDESIGNATION.*—*The Confederated Tribes*
 19 *and Bands of the Yakima Indian Nation shall be*
 20 *known and designated as the “Confederated Tribes*
 21 *and Bands of the Yakama Indian Nation”.*

22 (2) *REFERENCES.*—*Any reference in a law, map,*
 23 *regulation, document, paper, or other record of the*
 24 *United States to the Confederated Tribes and Bands*
 25 *of the Yakima Indian Nation referred to in subsection*

1 (a) shall be deemed to be a reference to the “Confed-
 2 erated Tribes and Bands of the Yakama Indian Na-
 3 tion”.

4 **SEC. 1205. OPERATION OF YAKIMA BASIN PROJECTS.**

5 (a) *WATER SAVINGS FROM BASIN CONSERVATION*
 6 *PROGRAM.—(1) The Basin Conservation Program is in-*
 7 *tended to result in reductions in water diversions allowing*
 8 *for changes in the present operation of the Yakima Project*
 9 *to improve stream flow conditions in the Yakima River*
 10 *basin. Except as provided by paragraph (5) of this sub-*
 11 *section and section 1209, commencing with the enactment*
 12 *of this title, and notwithstanding that anticipated water*
 13 *savings are yet to be realized, the Secretary, upon the enact-*
 14 *ment of this title and acting through the Yakima Project*
 15 *Superintendent, shall (A) continue to estimate the water*
 16 *supply which is anticipated to be available to meet water*
 17 *entitlements; and (B) provide instream flows in accordance*
 18 *with the following criteria:*

Water Supply Estimate for Period (million acre feet):				Target Flow from Date of Estimate thru October Downstream of (cubic feet per second):	
April thru September	May thru September	June thru September	July thru September	Sunnyside Diversion Dam	Prosser Diversion Dam
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

1 (2) *The initial target flows represent target flows at*
2 *the respective points. Reasonable fluctuations from these*
3 *target flows are anticipated in the operation of the Yakima*
4 *Project, except that for any period exceeding 24 hours—*

5 (A) *actual flows at the Sunnyside Diversion*
6 *Dam may not decrease to less than 65 percent of the*
7 *target flow at the Sunnyside Diversion Dam; and*

8 (B) *actual flows at the Prosser Diversion Dam*
9 *may not decrease by more than 50 cubic feet per sec-*
10 *ond from the target flow.*

11 (3) *The instream flows shall be increased for interim*
12 *periods during any month of April through October to fa-*
13 *cilitate when necessary the outward migration of anad-*
14 *romous fish. Increased instream flows for such interim peri-*
15 *ods shall be obtained through voluntary sale and leasing*
16 *of water or water rights or from conservation measures*
17 *taken under this title.*

18 (4)(A)(i) *Within the three-year period beginning when*
19 *appropriations are first provided to carry out the Basin*
20 *Conservation Program, the instream flow goal in the Yak-*
21 *ima River is as follows: to secure water which is to be used*
22 *for instream flows to facilitate meeting recommendations*
23 *of the System Operations Advisory Committee for flushing*
24 *flows or other instream uses.*

1 (ii) *In addition to any other authority of the Secretary*
2 *to provide water for flushing flows, the water required to*
3 *meet the goal specified in clause (i) shall be acquired*
4 *through the voluntary purchase or lease of land, water, or*
5 *water rights and from the development of additional storage*
6 *capability at Lake Cle Elum provided for in section*
7 *1206(a).*

8 (iii) *In addition to water required to meet the*
9 *instream flow goal specified in clause (i), the System Oper-*
10 *ations Advisory Committee may recommend additional*
11 *water to meet instream flow goals pursuant to judicial ac-*
12 *tions.*

13 (B) *After the period referred to in subparagraph (A),*
14 *such instream flow goal is modified as follows:*

15 (i) *The goal increases so that the instream target*
16 *flows specified in the table in paragraph (1) increase*
17 *by 50 cubic feet per second for each 27,000 acre-feet*
18 *of reduced annual water diversions achieved through*
19 *implementation of measures under the Basin Con-*
20 *servation Program. Such increases do not apply to*
21 *actions taken pursuant to section 1204. Such in-*
22 *creases shall not further diminish the amount of*
23 *water that otherwise would have been delivered by an*
24 *entity to its water users in years of water proration.*

1 (ii) *The goal changes directly with the availabil-*
2 *ity of water resulting from Federal expenditures*
3 *under this title for purchase or lease of water under*
4 *this title.*

5 (C) *The Yakima Project Superintendent shall main-*
6 *tain an account of funded and completed conservation*
7 *measures taken under the Basin Conservation Program.*

8 (D) *No later than March 31 of each calendar year, the*
9 *Yakima Project Superintendent shall meet with the State*
10 *of Washington, Yakama Indian Nation, and Yakima River*
11 *basin irrigators to mutually determine total diversion re-*
12 *ductions and respective adjustments to the target flows re-*
13 *ferred to in this subsection. The Yakima Project Super-*
14 *intendent shall announce such adjustments with the an-*
15 *nouncements of Total Water Supply Available. For the pur-*
16 *poses of this subparagraph, conserved water will be consid-*
17 *ered available for adjusting target flows in the first year*
18 *following completion of a measure or following a result from*
19 *the post implementation monitoring and evaluation pro-*
20 *gram, as the case may be.*

21 (5) *Operational procedures and processes in the Yak-*
22 *ima River basin which have or may be implemented*
23 *through judicial actions shall not be impacted by this title.*

24 (6)(A) *Within three years after the date of enactment*
25 *of this Act, the Secretary shall conduct a study and submit*

1 *a report with recommendations to the appropriate commit-*
2 *tees of the Congress on whether the water supply available*
3 *for irrigation is adequate to sustain the agricultural econ-*
4 *omy of the Yakima River basin.*

5 *(B) The target flows provided for under this subsection*
6 *shall be evaluated within three years after the date of enact-*
7 *ment of this Act by the Systems Operations Advisory Com-*
8 *mittee for the purpose of making a report with rec-*
9 *ommendations to the Secretary and the Congress evaluating*
10 *what is necessary to have biologically-based target flows.*

11 *(C) The recommendations and reports under subpara-*
12 *graphs (A) and (B) shall provide a basis for the third phase*
13 *of the Yakima River Basin Water Enhancement Project.*

14 *(b) WATER FROM LAKE CLE ELUM.—Water accruing*
15 *from the development of additional storage capacity at Lake*
16 *Cle Elum, made available pursuant to the modifications*
17 *authorized in section 1206(a), shall not be part of the Yak-*
18 *ima River basin's water supply as provided in subsection*
19 *(a)(1). Water obtained from such development is exclusively*
20 *dedicated to instream flows for use by the Yakima Project*
21 *Superintendent as flushing flows or as otherwise advised*
22 *by the System Operations Advisory Committee. Water may*
23 *be carried over from year-to-year in the additional capacity*
24 *to the extent that there is space available. Releases may be*
25 *made from other Yakima Project storage facilities to most*

1 *effectively utilize this additional water, except that water*
2 *deliveries to holders of existing water rights shall not be*
3 *impaired.*

4 (c) *STATUS OF BASIN CONSERVATION PROGRAM FA-*
5 *CILITIES.—Measures of the Basin Conservation Program*
6 *which are implemented on facilities currently under the ad-*
7 *ministrative jurisdiction of the Secretary, except as pro-*
8 *vided in section 1204, shall be considered features of the*
9 *Yakima River Basin Water Enhancement Project, and their*
10 *operation and maintenance shall be integrated and coordi-*
11 *nated with other features of the existing Yakima Project.*
12 *The responsibility for operation and maintenance and the*
13 *related costs shall remain with the current operating entity.*
14 *As appropriate, the Secretary shall incorporate the oper-*
15 *ation and maintenance of such facilities into existing agree-*
16 *ments. The Secretary shall assure that such facilities are*
17 *operated in a manner consistent with Federal and State*
18 *law and in accordance with water rights recognized pursu-*
19 *ant to State and Federal law.*

20 (d) *WATER ACQUIRED BY PURCHASE AND LEASE.—*
21 *Water acquired from voluntary sellers and lessors shall be*
22 *administered as a block of water separate from the Total*
23 *Water Supply Available, in accordance with applicable*
24 *Federal and State law.*

1 (e) *YAKIMA PROJECT PURPOSE.*—(1) *An additional*
 2 *purpose of the Yakima Project shall be for fish, wildlife, and*
 3 *recreation.*

4 (2) *The existing storage rights of the Yakima Project*
 5 *shall include storage for the purposes of fish, wildlife, and*
 6 *recreation.*

7 (3) *The purposes specified in paragraphs (1) and (2)*
 8 *shall not impair the operation of the Yakima Project to pro-*
 9 *vide water for irrigation purposes nor impact existing con-*
 10 *tracts.*

11 ***SEC. 1206. LAKE CLE ELUM AUTHORIZATION OF APPRO-***
 12 ***PRIATIONS.***

13 (a) *MODIFICATIONS AND IMPROVEMENTS.*—*There is*
 14 *hereby authorized to be appropriated to the Secretary—*

15 (1) *at September 1990 prices, plus or minus*
 16 *such amounts as may be justified by reason of ordi-*
 17 *nary fluctuation of applicable indexes, \$2,934,000*
 18 *to—*

19 (A) *modify the radial gates at Cle Elum*
 20 *Dam to provide an additional 14,600 acre-feet of*
 21 *storage capacity in Lake Cle Elum,*

22 (B) *provide for shoreline protection of Lake*
 23 *Cle Elum, and*

24 (C) *construct juvenile fish passage facilities*
 25 *at Cle Elum Dam, plus*

1 (2) *such additional amounts as may be necessary*
 2 *which may be required for environmental mitigation.*

3 (b) *OPERATION AND MAINTENANCE APPROPRIA-*
 4 *TIONS.—There is hereby authorized to be appropriated to*
 5 *the Secretary such sums as may be necessary for that por-*
 6 *tion of the operation and maintenance of Cle Elum Dam*
 7 *determined by the Secretary to be a Federal responsibility.*

8 **SEC. 1207. ENHANCEMENT OF WATER SUPPLIES FOR YAK-**
 9 **IMA BASIN TRIBUTARIES.**

10 (a) *GENERAL PROVISIONS.—The following shall be ap-*
 11 *plicable to the investigation and implementation of meas-*
 12 *ures to enhance water supplies for fish and wildlife and*
 13 *irrigation purposes on tributaries of the Yakima River*
 14 *basin:*

15 (1) *An enhancement program authorized by this*
 16 *section undertaken in any tributary shall be contin-*
 17 *gent upon the agreement of appropriate water right*
 18 *owners to participate.*

19 (2) *The enhancement program authorized by this*
 20 *section shall not be construed to affect (A) the water*
 21 *rights of any water right owners in the tributary or*
 22 *other water delivering entities; (B) the capability of*
 23 *tributary water users to divert, convey, and apply*
 24 *water; and (C) existing water and land uses within*
 25 *the tributary area.*

1 (3) *The water supply for tributary enhancement*
2 *shall be administered in accordance with applicable*
3 *State and Federal laws.*

4 (4) *Any enhancement program authorized by*
5 *this section shall be predicated upon the availability*
6 *of a dependable water supply.*

7 (b) *STUDY.—(1) The Secretary, following consultation*
8 *with the State of Washington, the tributary water right*
9 *owners, and the Yakama Indian Nation, and agreement of*
10 *appropriate water right owners to participate, shall con-*
11 *duct a study concerning the measures that can be imple-*
12 *mented to enhance water supplies for fish and wildlife and*
13 *irrigation purposes on Taneum Creek, including (but not*
14 *limited to)—*

15 (A) *water use efficiency improvements;*

16 (B) *the conveyance of water from the Yakima*
17 *Project through the facilities of any irrigation entity*
18 *willing to contract with the Secretary without adverse*
19 *impact to water users;*

20 (C) *the construction, operation, and maintenance*
21 *of ground water withdrawal facilities;*

22 (D) *contracting with any entity that is willing*
23 *to voluntarily limit or forego present water use*
24 *through lease or sale of water or water rights on a*
25 *temporary or permanent basis;*

1 (E) purchase of water rights from willing sellers;
2 and

3 (F) other measures compatible with the purposes
4 of this title, including restoration of stream habitats.

5 (2) In conducting the Taneum Creek study, the Sec-
6 retary shall consider—

7 (A) the hydrologic and environmental character-
8 istics;

9 (B) the engineering and economic factors relat-
10 ing to each measure; and

11 (C) the potential impacts upon the operations of
12 present water users in the tributary and measures to
13 alleviate such impacts.

14 (3) The Secretary shall make available to the public
15 for a 45-day comment period a draft report describing in
16 detail the findings, conclusions, and recommendations of the
17 study. The Secretary shall consider and include any com-
18 ment made in developing a final report. The Secretary's
19 final report shall be submitted to the Committee on Energy
20 and Natural Resources of the Senate, the Committee on Nat-
21 ural Resources of the House of Representatives, and the
22 Governor of the State of Washington, and made available
23 to the public.

24 (c) IMPLEMENTATION OF NONSTORAGE MEASURES.—
25 After securing the necessary permits the Secretary may, in

1 *cooperation with the Department of Ecology of the State*
2 *of Washington and in accordance with the laws of the State*
3 *of Washington, implement nonstorage measures identified*
4 *in the final report under subsection (b) upon fulfillment of*
5 *the following conditions:*

6 (1) *The Secretary shall enter into an agreement*
7 *with the appropriate water right owners who are*
8 *willing to participate, the State of Washington, and*
9 *the Yakama Indian Nation, for the use and manage-*
10 *ment of the water supply to be provided by proposed*
11 *tributary measures pursuant to this section.*

12 (2) *The Secretary and the State of Washington*
13 *find that the implementation of the proposed tribu-*
14 *tary measures will not impair the water rights of any*
15 *person or entity in the affected tributary.*

16 (d) *OTHER YAKIMA RIVER BASIN TRIBUTARIES.—En-*
17 *hancement programs similar to the enhancement program*
18 *authorized by this section may be investigated and imple-*
19 *mented by the Secretary in other tributaries contingent*
20 *upon the agreement of the appropriate tributary water*
21 *right owners to participate. The provisions set forth in this*
22 *section shall be applicable to such programs.*

23 (e) *AUTHORIZATION OF APPROPRIATIONS.—(1) There*
24 *is hereby authorized to be appropriated to the Secretary*
25 *\$500,000 for the study of the Taneum Creek Project and*

1 *such amount as the Secretary subsequently determines is*
 2 *necessary for implementation of tributary measures pursu-*
 3 *ant to this section.*

4 (2) *There is also authorized to be appropriated to the*
 5 *Secretary such funds as are necessary for the investigation*
 6 *of enhancement programs similar to the enhancement pro-*
 7 *gram authorized by this section in other Yakima River*
 8 *basin tributaries contingent upon the agreement of the ap-*
 9 *propriate water right owners to participate. Funds for the*
 10 *implementation of any such similar enhancement program*
 11 *may not be appropriated until after the Secretary submits*
 12 *an investigation report to the appropriate congressional*
 13 *committees.*

14 **SEC. 1208. CHANDLER PUMPING PLANT AND POWERPLANT-**
 15 **OPERATIONS AT PROSSER DIVERSION DAM.**

16 (a) *AUTHORIZATION OF APPROPRIATIONS FOR ELEC-*
 17 *TRIFICATION.*—*In order to provide for electrification to en-*
 18 *hance instream flows by eliminating the need to divert*
 19 *water to operate the hydraulic turbines which pump water*
 20 *to the Kennewick Irrigation District, there is authorized to*
 21 *be appropriated—*

22 (1) *\$50,000 to conduct an assessment of opportu-*
 23 *nities for alternative pumping plant locations;*

24 (2) *\$4,000,000 for construction; and*

1 (3) *such sums as may be necessary for the*
2 *prorata share of the operation and maintenance allo-*
3 *cated to fish and wildlife as determined by the Sec-*
4 *retary.*

5 (b) *POWER FOR PROJECT PUMPING.*—(1) *The Admin-*
6 *istrator of the Bonneville Power Administration shall pro-*
7 *vide for project power needed to effect the electrification as*
8 *provided in subsection (a).*

9 (2)(A) *There is authorized to be appropriated for the*
10 *Bureau of Reclamation for each fiscal year in which the*
11 *Administrator provides power under this subsection an*
12 *amount equal to the cost to the Bonneville Power Adminis-*
13 *tration of providing power under this subsection during*
14 *such fiscal year. The rate to be utilized by the Adminis-*
15 *trator in determining the cost of power under this para-*
16 *graph in a fiscal year shall be the rate for priority firm*
17 *power charged by the Bonneville Power Administration in*
18 *that fiscal year under section 7(b) of the Pacific Northwest*
19 *Electric Power Planning and Conservation Act (16 U.S.C.*
20 *839e(b)).*

21 (B) *The Bureau of Reclamation shall, using funds ap-*
22 *propriated pursuant to the authorization of appropriations*
23 *in subparagraph (A), reimburse the Bonneville Power Ad-*
24 *ministration for the costs of the project power provided*

1 *under this subsection. Such funds shall be available for such*
2 *purpose without fiscal year limitation.*

3 (c) *SUBORDINATION.—Any diversions for hydropower*
4 *generation at the Chandler Powerplant shall be subordi-*
5 *nated to meet the flow targets determined under subsection*
6 *(f).*

7 (d) *WATER SUPPLY FOR KENNEWICK IRRIGATION DIS-*
8 *TRICT.—The Secretary shall ensure that the irrigation*
9 *water supply for the Kennewick Irrigation District shall*
10 *not be affected by conservation, electrification, or subordi-*
11 *nation pursuant to this title and any reduction in its irri-*
12 *gation water supply resulting from conservation measures*
13 *adopted or implemented by other entities pursuant to this*
14 *title shall be replaced by water developed through subordi-*
15 *nation, electrification, or a combination of the two.*

16 (e) *TREATMENT OF CERTAIN FUNDS.—Funds appro-*
17 *priated and project power provided pursuant to this section*
18 *shall be nonreimbursable since such funds are used for fish*
19 *and wildlife purposes and such funds are not subject to cost*
20 *share under section 1203(d).*

21 (f) *TARGET FLOWS.—Target flows measured at appro-*
22 *priate biological and hydrological location or locations shall*
23 *be determined by the Yakima Project Superintendent in*
24 *consultation with the System Operations Advisory Commit-*
25 *tee.*

1 **SEC. 1209. AUGMENTATION OF KACHESS RESERVOIR**
2 **STORED WATER.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—In order
4 to augment Kachess Reservoir stored water supplies from
5 flows of Cabin Creek and Silver Creek which are excess to
6 system demands, there is authorized to be appropriated—

7 (1) such sums as may be necessary to carry out
8 a feasibility study, including the benefits, costs, and
9 environmental aspects, of the facility described in
10 paragraph (2);

11 (2) for the construction of facilities to convey
12 such flows to Kachess Reservoir, \$20,000,000; and

13 (3) such sums as may be necessary for the pro
14 rata share of the operation and maintenance allocated
15 to fish and wildlife determined by the Secretary.

16 (b) *LIMITATION.*—Construction of the facilities de-
17 scribed in subsection (a)(1) is contingent on the completion
18 of the feasibility study referred to in subsection (a)(2).

19 (c) *USE OF ADDITIONAL WATER.*—The stored water
20 supply resulting from the construction of facilities under
21 this section shall be used by the Secretary to—

22 (1) enhance the water supply available to the
23 Kittitas Reclamation District and the Roza Irriga-
24 tion District in years of proration; and

1 (2) *facilitate reservoir operations in the Easton*
 2 *Dam to Keechelus Dam reach of the Yakima River for*
 3 *the propagation of anadromous fish.*

4 (d) *TREATMENT OF COSTS.—The construction and op-*
 5 *eration and maintenance costs of the facilities under this*
 6 *section shall be allocated to irrigation and fishery enhance-*
 7 *ment, as follows:*

8 (1) *The portion of such costs allocated to irriga-*
 9 *tion is reimbursable, with the construction costs to be*
 10 *paid prior to initiation of construction by the*
 11 *Kittitas Reclamation District and the Roza Irriga-*
 12 *tion District.*

13 (2) *The portion of such costs allocated to fishery*
 14 *enhancement is nonreimbursable.*

15 (e) *KACHESS DAM MODIFICATIONS.—There is author-*
 16 *ized to be appropriated \$2,000,000 for the modification of*
 17 *the discharge facilities of Kachess Dam to improve reservoir*
 18 *operations for anadromous fish enhancement. Amounts ap-*
 19 *propriated under this subsection are nonreimbursable.*

20 **SEC. 1210. INTERIM COMPREHENSIVE BASIN OPERATING**
 21 **PLAN.**

22 (a) *DEVELOPMENT.—The Secretary shall, in consulta-*
 23 *tion with the State of Washington, Yakama Indian Nation,*
 24 *Yakima River Basin irrigation districts, Bonneville Power*
 25 *Administration, and other entities as determined by the*

1 *Secretary, develop an interim comprehensive operating*
2 *plan for providing a general framework within which the*
3 *Yakima Project Superintendent operates the Yakima*
4 *Project, including measures implemented under the Yakima*
5 *River Basin Water Enhancement Project, including (but*
6 *not limited to)—*

7 (1) *operating capability and constraints of the*
8 *system;*

9 (2) *information on water supply calculations an*
10 *water needs;*

11 (3) *system operations and stream flow objectives;*
12 *and*

13 (4) *the System Operations Advisory Committee*
14 *activities.*

15 (b) *PROCESS REQUIREMENTS.*—*A draft of the interim*
16 *comprehensive basin operating plan shall be completed*
17 *within 18 months after the completion of the Basin Con-*
18 *servation Plan under section 1203(f) and, upon completion,*
19 *published for a 90-day public review period. The Secretary*
20 *shall complete and publish the final interim comprehensive*
21 *operating plan within 90 days after the close of the public*
22 *review period. The Secretary shall update the plan as need-*
23 *ed to respond to decisions from water adjudications relating*
24 *to the Yakima River basin.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated \$100,000 to carry out this*
 3 *section.*

4 ***SEC. 1211. ENVIRONMENTAL COMPLIANCE.***

5 *There are hereby authorized to be appropriated to the*
 6 *Secretary \$2,000,000 for environmental compliance activi-*
 7 *ties including the conduct, in cooperation with the State*
 8 *of Washington, of an inventory of wildlife and wetland re-*
 9 *sources in the Yakima River basin and an investigation*
 10 *of measures, including “wetland banking”, which could be*
 11 *implemented to address potential impacts which could re-*
 12 *sult from the activities taken under this title.*

13 ***SEC. 1212. SAVINGS AND CONTINGENCIES.***

14 (a) *IN GENERAL.*—*Nothing in this title shall be con-*
 15 *strued to—*

16 (1) *affect or modify any treaty or other right of*
 17 *the Yakama Indian Nation;*

18 (2) *authorize the appropriation or use of water*
 19 *by any Federal, State, or local agency, the Yakama*
 20 *Indian Nation, or any other entity or individual;*

21 (3) *impair the rights or jurisdictions of the*
 22 *United States, the States, the Yakama Indian Nation,*
 23 *or other entities over waters of any river or stream*
 24 *or over any ground water resource;*

1 (4) *alter, amend, repeal, interpret, modify, or be*
2 *in conflict with any interstate compact made by the*
3 *States;*

4 (5) *alter, establish, or impair the respective*
5 *rights of States, the United States, the Yakama In-*
6 *dian Nation, or any other entity or individual with*
7 *respect to any water or water-related right;*

8 (6) *alter, diminish, or abridge the rights and ob-*
9 *ligations of any Federal, State, or local agency, the*
10 *Yakama Indian Nation, or other entity, public or pri-*
11 *vate;*

12 (7) *affect or modify the rights of the Yakama In-*
13 *dian Nation or its successors in interest to, and man-*
14 *agement and regulation of, those water resources aris-*
15 *ing or used, within the external boundaries of the*
16 *Yakama Indian Reservation;*

17 (8) *affect or modify the settlement agreement be-*
18 *tween the United States and the State of Washington*
19 *filed in Yakima County Superior Court with regard*
20 *to Federal reserved water rights other than those*
21 *rights reserved by the United States for the benefit of*
22 *the Yakama Indian Nation and its members;*

23 (9) *affect or modify the rights of any Federal,*
24 *State, or local agency, the Yakama Indian Nation, or*
25 *any other entity, public or private with respect to*

1 *any unresolved and unsettled claims in any water*
 2 *right adjudications, or court decisions, including*
 3 *State against Acquavella, or constitute evidence in*
 4 *any such proceeding in which any water or water re-*
 5 *lated right is adjudicated; or*

6 *(10) preclude other planning studies and projects*
 7 *to accomplish the purposes of this title by other*
 8 *means: funded publicly, privately, or by a combina-*
 9 *tion of public and private funding.*

10 *(b) CONTINGENCY BASED ON APPROPRIATIONS.—The*
 11 *performance of any activity under this title which requires*
 12 *accomplishment within a specified period that may require*
 13 *appropriation of money by Congress or the allotment of*
 14 *funds shall be contingent upon such appropriation or allot-*
 15 *ment being made.*

16 ***TITLE XIII—LIMITATION ON AP-***
 17 ***PLICATION OF REQUIREMENT***
 18 ***FOR ACQUISITIONS BY UNIT-***
 19 ***ED STATES UNDER MIGRA-***
 20 ***TORY BIRD CONSERVATION***
 21 ***ACT***

22 *Section 7 of the Migratory Bird Conservation Act (16*
 23 *U.S.C. 715f) is amended by inserting “in fee” after “con-*
 24 *veyance”.*

103^D CONGRESS
2^D SESSION

S. 1146

AMENDMENT